THE GRIEVANCES

OF

THE BRITISH INDIANS

IN

SOUTH AFRICA.

AN APPEAL

TO

THE INDIAN PUBLIC

SECOND EDITION—4,000 COPIES.

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THE GREEN PAMPHLET

THE COLLECTED WORKS OF

MAHATMA GANDHI

II

(1896-1897)

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PREFACE

The present Volume relates to an important stage in Gandhiji's life. Signs of the coming conflict between him and the Government of South Africa became visible as early as 1896. The documents now being placed before the readers will reflect these signs. The Volume also records, in considerable detail, the circumstances of the first occasion when he risked his life in a public cause.

Gandhiji returned to his native land in 1896. He was then 26 years old. He had been commissioned to educate the public and the authorities in India in regard to the treatment the Indians were receiving in South Africa. He visited the principal centres of political life in India, met the leaders of the people, and addressed largely attended public meetings. He also published some pamphlets on the question.

The contents of one of these pamphlets, popularly known as the Green Pamphlet, were misreported in the South African papers. A press representative in India had wired to London a brief summary of the pamphlet and of the observations on it of *The Pioneer* and *The Times of India*. From Reuter's office in London, a three-line cable, a summary of this summary, reached South Africa and set there big events in motion. The misleading report of what Gandhiji had said in India enraged the citizens of Durban. As the year approached its end and while the steamer bringing him to South Africa awaited permission to enter the harbour, the bitter agitation against Gandhiji reached its climax. When he landed in Durban, on the afternoon of January 13, 1897, he was almost lynched by a section of the crowd which had, earlier, gathered at the harbour. His life was saved only by the tact and courage of the Superintendent of Police and his wife.

The Volume opens with the Green Pamphlet. It contained a graphic picture of the treatment received by the Indians in South Africa, where, in Gandhiji's words, "the feelings of hatred crystallised into legislation", and, in some places, "a respectable Indian was made an impossibility". The Green Pamphlet was an authoritative document. It brought out the racial and imperial issues involved in the situation. Gandhiji had taken great care to be accurate in the presentation of the Indian case. Referring to his description of the treatment received by the Indians in Natal, he says, "Every word of every statement to be made immediately can be established beyond the shadow of a doubt". In India, at this period of her political history, the Green Pamphlet constituted, probably, the most widely distributed material for propaganda on any public question. The great demand for it from the people, gathered at the Madras meeting and elsewhere, could not be met, and a hurried reprint of it was issued by Gandhiji on the eve of his departure from India.

The brief but historic document of "Credentials", which empowered Gandhiji to speak on behalf of his countrymen in South Africa and was appended by him to the Green Pamphlet, is also published in this Volume. The representative character of the signatories symbolized the unity that prevailed among all Indians in South Africa, irrespective of the creed or place to which they belonged.

The Green Pamphlet was followed by an independent and entirely factual "Note" on the grievances of the British Indians in South Africa, accompanied by copies of memorials and petitions which had been submitted to various authorities. This Note contains a lucid account of the position of Indians in each State of South Africa. It furnishes the reader with the background of the educative work which Gandhiji carried on during his five months' stay in India. For the student of the future, it paints vividly the insufferable condition of Indians in the British Colonies. It was against the

state of things described in this Note that Gandhiji led, for nearly twenty years, a sustained up-hill struggle in the course of which he wrought the great weapon of Satyagraha.

Gandhiji supported his movement of educating public opinion in India through the printed word by personal appearance on the platform. He started by addressing a public meeting in Bombay presided over by Pherozeshah Mehta and attended by the leading men of the city. The available portion of his speech on this occasion when he, a young man in his twenties, directly addressed his own people and the leaders of the nation for the first time in India, has been included in this Volume. In this speech, he outlined the problems which were facing the South African Indians. He explained how the tide of opposition from the European colonists and the local Governments had been rising against them, and how their political degradation and economic ruin were to be the result of the anti-Asiatic laws enacted by the South African legislatures. The Indians were, he warned, "hemmed in from all sides" and he appealed to the people of India and the Indian and Imperial Governments for the protection of their interests.

After Bombay, Gandhiji moved on to Madras to bring to the knowledge of the people of Southern India the humiliating treatment meted out to Indians. The Tamil-speaking regions of the South contributed the largest share of Indian immigrants to Natal. The citizens of Madras were thus vitally concerned with what was happening there. This was evidenced by the representative and responsive audience which filled Pachaiyappa's Hall to hear Gandhiji. Shortly before Gandhiji reached Madras, the Natal Agent-General issued a statement in reply to what Gandhiji had been reported to have said in the Green Pamphlet. The occasion of the Madras meeting was, therefore, utilized by him to refute the statement of the Agent-General. He substantiated his own assertions by

a wealth of evidence which made the Madras speech the most powerful utterance of Gandhiji during his visit to India. The full text of that speech has been published in this Volume.

An item of unusual nature—a detailed statement of expenses incurred by Gandhiji while touring the country in connection with his mission—is also being placed before the readers. It throws light on his movements and activities in India. It supplies, incidentally, interesting economic data—the level of prices and wages at the end of the nineteenth century. Its chief value, however, lies in illustrating Gandhiji's anxiety to keep a proper record of all expenditure from public funds. The readers will note the inclusion of such small amounts as half an anna (about ½d). This trait of character, noticeable at that early age, marked his handling of public funds throughout his life.

The hostile situation which faced Gandhiji when his ship reached Durban, the incident of lynching, and his decision that no steps should be taken against those who assaulted him led to a series of communications to the Press, the Government of Natal, and the British Committee of the Indian National Congress in London. These communications—interviews, cablegrams and letters—introduce the reader to the document which forms the most important item in this Volume. It is the weighty memorial of March 15, 1897, submitted to Mr. Joseph Chamberlain, the then Principal Secretary of State for the Colonies, under the signatures of thirty-two leading Indians resident in South Africa. It paints, with an abundance of detail, the events which led to the anti-Indian movement in Natal and ended with the organization of a hostile mass demonstration by the British citizens of Durban. Some had proposed to form themselves into a human wall, "three or four deep and, with linked hands and arms, offer a complete bar" to the landing of Gandhiji and other Indians. The memorial describes the assault on Gandhiji while on his way home, when he was "kicked,

whipped, stale fish and missiles were thrown at him, which hurt his eye and cut his ear and his hat (turban) was taken off his head". It supplies ample material, from the local Press, regarding the temper of the excited demonstrators, the attitude of leading officials representing the Government, and the firm stand taken by the more responsible section of British opinion, though in a minority, against the wave of racial intolerance and injustice. The memorial ends with a strong plea for a basic reconsideration of Government policy towards the Indians in Natal, a fresh pronouncement with regard to the status of Indians in the British Empire, and the withdrawal of the anti-Indian legislation proposed by the Natal Government.

Gandhiji's faith in British justice had not yet been impaired by what Indians had to suffer in South Africa. He, therefore, used the occasion of the Diamond Jubilee of Queen Victoria for expressing the sentiment of loyalty and devotion which Indians entertained for her. The address to the Queen-Empress, inscribed on a silver shield and bearing twenty-one signatures including Gandhiji's, and other connected papers illustrate his attitude towards the British Empire in those early days.

The news of the great Indian famine of 1896-97 and the organization of a Relief Fund led Gandhiji to divert his activities temporarily and respond to this humanitarian call. He plunged into the work of collection with characteristic earnestness. The appeals addressed by him to the British citizens of Natal and the Transvaal and to the clergymen of Durban, as also the circular issued to the Indian community all over South Africa, are among the other documents included in the Volume.

The organizers of the hostile demonstration against Gandhiji at the Durban harbour had been promised that anti-Indian legislation, restrictive of the rights of Indians to enter, trade and settle in Natal, would be undertaken by the Government. The Quarantine Bill, the Trade

Licenses Bill, and the Immigration Bill were the triple fruit of this promise. The new legislation imperilled every right of Indians as citizens of the British Empire. Gandhiji carried on an energetic campaign against the Bills. As the readers approach the end of the Volume, they will find the several petitions submitted to the Natal Legislature and the Imperial Government and the personal and general letters addressed by Gandhiji to Dadabhai Naoroji, William Wedderburn and other public leaders in England and India regarding this legislation. All these constitute an eloquent record of his vigorous resistance to the new assault on the position of the Indians in South Africa.

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For research and reference facilities we owe thanks also to the Gujarat Vidyapith Granthalaya and *Gujarat Samachar* Office, Ahmedabad; the Asiatic Library and the Offices of the *Bombay Chronicle*, the *Mumbai Samachar* and the Gujarati Press, Bombay; the National Library and the Office of the *Amrita Bazar Patrika*, Calcutta; and the British Museum Library, London.

NOTE TO THE READER

References in this Volume to Volume I of *The Collected Works of Mahatma Gandhi* are to the edition issued in January 1958. References to *The Autobiography* are to *The Story of My Experiments with Truth* by M. K. Gandhi, Navajivan Publishing House, Ahmedabad, 1956.

The symbol SN, given before the numbers of the photostats cited as the source, stands for the serial number of documents available in the Sabarmati Sangrahalaya, Ahmedabad, the photostats of which are preserved in the Gandhi Smarak Sangrahalaya, New Delhi. The symbol GN refers similarly to documents available in the National Archives, New Delhi, photostats of which are preserved also in the Gandhi Smarak Sangrahalaya, New Delhi. The symbol CW stands for documents secured by "The Collected Works of Mahatma Gandhi" the photostats of which are preserved in the National Archives, New Delhi.

Proper names and certain technical and other words are spelt as in the documents prepared by Gandhiji.

CONTENTS

ILLUSTRATIONS

1. THE GRIEVANCES OF THE BRITISH INDIANS IN SOUTH AFRICA

AN APPEAL TO THE INDIAN PUBLIC

On June 5, 1896, Gandhiji left South Africa on a visit to India for domestic reasons. The leading men of the Indian community in South Africa commissioned him to lay the grievances of the Indians residing there before the authorities and the public in India. The first step which Gandhiji took in this direction, during his stay of nearly five months in India, was to publish a pamphlet on the subject under the title The Grievances of the British Indians in South Africa. *The pamphlet later became known as the Green Pamphlet because of the colour of its cover. It received wide circulation and Gandhiji soon found it necessary to issue a second edition.*

Preface

The rush for copies of this pamphlet at the Madras Meeting in Pachaiyappa's Hall has necessitated the issue of the second edition. It was a scene never to be forgotten.

The demand proved two things—the importance of the question of the grievances of the British Indians in South Africa, and the interest shown by the Indian Public in the welfare of their countrymen beyond the waters.

It is to be hoped that the second edition will be disposed of as soon as the first, showing the continuance of the interest. Publicity is perhaps the chief remedy for the grievances and the pamphlet is one of the means to that end.

The appendix is an addition to the 1st edition and is a part of the address read before the Madras Meeting,

being a reply to the Natal Agent-General's statement to Reuter.[1]

The Natal Immigration Law Amendment Act referred to in the pamphlet has, unfortunately for the poor Indians in South Africa, received the Royal assent. It is respectfully submitted that the question requires the closest study by our public men and there should be no rest till the Act is repealed or State-aided emigration to Natal suspended. The Madras Meeting has passed a Resolution requesting suspension of such emigration if the repeal of the Act cannot be brought about.

Calcutta, 1-11-1896 M. K. GANDHI

This is an appeal to the Indian public on behalf of the 100,000 Indians in South Africa. I have been commissioned by the leading members representing that community in South Africa to lay before the public in India the grievances that Her Majesty's Indian subjects are labouring under in that country.[2]

South Africa is a continent by itself and is divided into many States of which the Colonies of Natal and the Cape of Good Hope, Zululand, a Crown Colony, the South African Republic or the Transvaal, Orange Free State and the Chartered Territories, are inhabited, more or less, by the Indians together with the Europeans and the natives of those countries. The Portuguese territories, viz., Delagoa Bay, Beira and Mozambique, have a large Indian population, but there the Indians have no grievances, apart from the general population.

[1] No 'appendix', as such, was included in the pamphlet. The reference is to matter on pp. 32–9, *infra*, beginning with the paragraph: "But, gentlemen, you have been told . . ." and ending with the paragraph: "Quoting statistics to prove. . . . " *Vide* footnote on p. 32 and also the Madras Address, pp. 105-112, *infra*.

[2] *Vide* pp. 51–2, *infra*.

NATAL

From an Indian standpoint, Natal is the most important portion of South Africa. It has a native population of about 400,000, a European population of nearly 50,000 and an Indian population of about 51,000, of whom about 16,000 are those at present serving their indenture, about 30,000 are those who, having once been under indenture, are freed therefrom and have settled in the Colony on their own account, and about 5,000 belong to the trading community. These latter, of course, came to the Colony on their own means and some of them brought capital also into the country. The indentured Indians are drawn from the labouring population of Madras and Calcutta and are nearly equally divided. Those from Madras speak, as a rule, the Tamil language, and, those from Calcutta, the Hindi. They are most of them Hindus, a good few are Mahomedans. Strictly speaking, they do not observe caste restrictions. After becoming free, they either take to gardening or hawking vegetables and earn from 2 to 3 pounds sterling per month. A few become petty store-keepers. That business, however, is practically in the hands of the 5,000 Indians, who are drawn chiefly from the Mahomedan community in the Bombay Presidency. Some of these latter are doing well. Many are large landowners, two are now shipowners also. One of them has a small oil machine worked by steam. They come either from Surat, districts surrounding Bombay, or Porbandar. Many merchants from Surat have settled in Durban with their families. Most of them, including the assisted immigrants, can read and write their own language to a greater extent than one would think they do.

I venture to quote the following from my 'Open Letter'[1] to the Members of the Legislative Assembly and the Legislative Council of Natal to show what treatment the Indian

[1] *Vide* Vol. I, pp. 142-163, for original text.

receives at the hands of the general run of Europeans in the Colony:

> The man in the street hates him, curses him, spits upon him, and often pushes him off the footpath. The Press cannot find a sufficiently strong word in the best English dictionary to damn him with. Here are a few examples.[1] 'The real canker that is eating into the very vitals of the community', 'these parasites', 'wily wretched semi-barbarous Asiatics', 'A thing black and lean and a long way from clean, which they call the accursed Hindoo', 'He is chokeful[2] of vice and-he lives upon rice. I heartily cuss the Hindoo', 'Squalid coolies with truthless tongues and artful ways'. The Press almost unanimously refuses to call the Indian by his proper name. He is 'Ramysamy'. He is Mr. 'Samy'.[3] He is Mr. 'Coolie'. He is the 'black man'. And these offensive epithets have become so common that they (at any rate, one of them, Coolies) are used even in the sacred precincts of the Courts, as if the Coolie were the legal and proper name to give to any and every Indian. The public men, too, seem to use the word freely. I have often heard the painful expression, 'coolie clerk', from the mouths of men who ought to know better.[4] The tramcars are not for the Indians. The railway officials may treat the Indians as beasts. No matter how clean, his very sight is such an offence to every White man in the Colony that he would object to sit, even for a short time, in the same compartment with the Indian. The hotels shut their doors against them.[5] Even the public baths are not for the Indians no matter who they are . . . . The vagrant law is needlessly oppressive and often puts respectable Indians in a very awkward position.

I have quoted this because the statement has been before the South African public for nearly one year and a half, has been commented upon freely by almost every newspaper in South Africa and remains practically uncontradicted (indeed, it has even been endorsed by one newspaper with approval) and because, during the interval that has

[1] The original has "samples".

[2] The original spells this as "chock-full".

[3] The original has "Ramsamy" and "Sammy".

[4] Two sentences following this, in the original, have been omitted in the Green Pamphlet. *Vide* Vol. I, p. 160.

[5] A sentence from the original has been omitted here also; ibid, p. 160.

elapsed, I have seen nothing to change that view. The Right Honourable Mr. Chamberlain, however, while in full sympathy with its object, in his reply to the deputation headed by the Hon'ble Mr. Dadabhai,[1] is said to have stated that our grievances were more sentimental than material and real, and that, if he could be shown any instances of real grievance, he should deal with them effectively. *The Times of India*, which has done us much service and has laid us under deep obligation to it by its persistent advocacy on our behalf, rebuked Mr. Chamberlain for calling our grievances sentimental. To give, however, proof of real grievances and to strengthen the position of the advocates of our cause in India, I shall beg leave to cite my own testimony and that of those who have undergone grievances personally. Every word of every statement to be made immediately can be established beyond the shadow of a doubt.

In Dundee last year, during the Christmas time, a gang of White men set fire to the Indian stores without the slightest provocation, in order to enjoy themselves. Mr. Abdulla Haji Adam, a shipowner and one of the leading members of the Indian community in South Africa, was travelling with me as far as Krantzkloof Station. He alighted there to go by postal cart to Natal. No one there would sell him even bread. The hotel-keeper would not allow him a room in his hotel and he had to sleep in the coach shivering the whole night with cold. And the winter in that part of Africa is no joke. Mr. Haji Mohamed Haji Dada, another leading Indian gentleman, was travelling in a coach some time ago from Pretoria to Charlestown. He was forced out of the coach and had to walk a distance of three miles because he had not got a pass—whatever that may mean.[2]

A Parsee gentleman, Mr. Rustomjee, whose generosity goes much further than his purse would allow, has been

[1] Dadabhai Naoroji.

[2] *Vide* Vol. I, p. 207.

unable to take a Turkish bath for the sake of his health in Durban, although the public baths are the property of the Durban Corporation, to which Mr. Rustomjee pays his rates just as well as the other ratepayers. In Field Street, Durban, last year during Christmas-time, some youths threw burning crackers in the Indian stores doing some damage. Three months ago, in the same street, some youths shot lead bullets into an Indian store with a sling, hurting a customer who nearly lost his eye. Both these matters were brought to the notice of the Superintendent of Police who promised to do all he could. Nothing more has been heard of the matter. Yet, the Superintendent is an estimable gentleman, anxious to protect all the communities in Durban. But what could the poor man do against the tremendous odds? Will his subordinates take the trouble to find out the miscreants? When the aggrieved gentleman saw the constables at the police station, they first laughed and then asked him to get a warrant from the Magistrate for their arrest. No warrant is required in such cases when a constable wants to do his duty. Only the day before I left Natal, the son of an Indian gentleman, spotlessly dressed, was walking along the pavement in the principal street in Durban. Some Europeans pushed him off the pavement without any reason but to amuse themselves. Last year, the Magistrate at Estcourt, a village in Natal, had an Indian who was a prisoner in the dock forced out of it. His cap was forcibly removed and he was brought back bare-headed, in spite of the protest from the man that the removal of the cap was contrary to Indian custom and it offended his religious feeling also. A civil action was brought against the Magistrate. And the judges held that the Magistrate was not civilly liable for acts done by him in his capacity as such. When we went to law, we knew that such would be the decision. Our object was to have the matter thoroughly thrashed out. This question at one time was a very great question in the Colony.

An Indian official, whenever he accompanies his superior during his periodical tours, is unable to secure accommodation in the hotels. He is obliged to sojourn in huts. The grievance had reached such a stage, when I left Natal, that he was seriously thinking of sending in his resignation.

A Eurasian gentleman, Mr. DeSilva by name, who was for some time employed in a responsible position in Fiji, happened to come to Natal to seek fortune. He is a certified chemist. He received an appointment as chemist by letter. When, however, his employer saw that he was not quite White, he dismissed him. I know other Eurasians, who, being fair enough to pass as "White men", are not molested. This last instance I have quoted to show how unreasonable the prejudice is in Natal. I could go on relating such instances. But, I hope, I have adduced sufficient instances to show that our grievances are real and as one of our sympathisers in England says in a letter, "They have only to be known to be removed."

Now, what is our mode of action in such cases? Are we to go to Mr. Chamberlain in every case and turn the Colonial Office into one for hearing petty complaints from Indians in South Africa? I have used the word "petty" advisedly, for I admit that most of these cases are cases of petty assault and inconvenience. But when they occur pretty regularly, they assume a sufficiently big shape to be a source of constant irritation to us. Just picture a country where you never know you are safe from such assaults, no matter who you are, where you have a nervous fear as to what would happen to you whenever you undertake a journey, where you cannot be accommodated in a hotel even for a night and you have a picture of the state we are living in in Natal. I am sure I am not exaggerating when I say that, if any of the Indian High Court Judges came to South Africa, I doubt very much whether any hotel would admit him, unless he took extraordinary precautions, and I am

almost positive that he will have to travel from Charlestown to Pretoria in a Kaffir compartment, unless he is dressed in European clothing from top to toe.

I am aware that in some of the instances cited above Mr. Chamberlain could not very well afford relief, as for example the case of Mr. DeSilva, but the fact is clear that such instances occur because of the rooted prejudice against the Indians in South Africa, which is due to the indifference of the Home and the Indian Governments to the complaints of the Indians. In all the cases of assault, our mode of action, as a rule, is not to take any notice of them. We follow the principle, so far as we can, of going two miles when we are asked to go one. Sufferance is, really and sincerely, the badge of the Indians in South Africa, especially in Natal. I may state, however, that we follow this policy not from philanthropic but from purely selfish motives. We have found by painful experiences that to bring the offenders to justice is a tedious and expensive process. The result is often contrary to our expectations. The offender would either be discharged with a caution or fined "five shillings or one day". The very man, after getting out of the box, assumes a more threatening attitude and puts the complainant in an awkward position. And the publication of such acts incites others to similar ones. We, therefore, do not, as a rule, even mention them before the public in Natal.

Such a feeling of deep-seated hatred towards the Indians is reproduced all over South Africa, in special legislation for Indians, which has for its object the degradation of the Indian community in that country. The Attorney-General of Natal wants to keep the Indians for ever "hewers of wood and drawers of water". We are classed with the natives of South Africa — Kaffir races. He defines the status of the Indians in the following words : "These Indians were brought here for the purpose of supplying labour for development of local industries and were not intended

to form portion of the South African nation which was being built up in the various States." The policy of the Orange Free State, which, in the words of its leading organ, "has made the British Indian an impossibility by simply classifying him with the South African native", is cherished by the other States as a model policy. What that State has completely accomplished, the other States would accomplish within a very short time but for the vigilance of the Indian public. We are passing through a crisis now. We are hemmed in on all sides by restrictions and high-handed measures.

I shall now show how the feeling of hatred above described has been crystallized into legislation. An Indian cannot leave his house after 9 o'clock at night, unless he has a pass signed by some one showing that he is out under instructions or can give a good account of himself. This law applies to the natives and Indians only. The police use their discretion and do not, as a rule, trouble those who are dressed in the Memon costume, as that dress is supposed to be the Indian trader's dress. Mr. Aboobaker, now deceased, was the foremost Indian trader in Natal and much respected by the European community. He, with his friend, was once arrested by the police. When he was brought to the police station for being out after 9 p.m., the authorities knew at once that they had committed a mistake. They told Mr. Aboobaker that they did not want to arrest gentlemen like himself, and asked him if he could point out any distinguishing mark between a trader and a labourer. Mr. Aboobaker pointed to his robe, and, ever since, it has been a tacit understanding between the police and the public that those wearing the flowing robe should not be arrested, even though they may be out after 9 p.m. But there are Tamil and Bengali traders, equally respectable, who do not wear the robes. There are, again, the Christian Indian educated youths—a most sensitive class—who do not wear robes. They are constantly molested. A young Indian, well-educated,

and a Sunday school teacher, another a school-master, were arrested only four months ago and locked up in a dungeon the whole night, in spite of their protestations that they were on their way home. They were discharged by the Magistrate but that was a poor consolation. An Indian lady, a teacher, the wife of the Indian Interpreter at Ladysmith, was a short time ago, on her return from the Church on a Sunday evening, arrested by two Kaffir policemen, and roughly handled so much so that her dress was soiled, not to speak of all sorts of bad names she was called. She was locked up in a cell. She was promptly released when the Superintendent of the Police came to know who she was. She was carried home senseless. The bold lady sued the corporation for damages for wrongful arrest and got £20 and costs from the Supreme Court. The Chief Justice remarked that her treatment was "unjust, harsh, arbitrary and tyrannical". The result, however, of these three cases is, that the corporations are now clamouring for more powers and an alteration of the law, in order that they may, to put it bluntly, subject all Indians, irrespective of their position, to restrictions so that, as a member of the Legislative Assembly said on the occasion of the passing of the Immigration Bill of 1894, "the intention of the Colony to make the Indian's life more comfortable in his native land than in the Colony of Natal" may be fulfilled. In any other country, such instances would have excited the sympathy of all right-minded people and the decision quoted above would have been hailed with joy.

Some eight months ago, about 20 Indians, pure labourers on their way to the Durban market with vegetable baskets on their heads, a sufficient indication that they were not vagrants, were arrested at 4 o'clock in the morning under the same law. The police prosecuted the case vigorously. After a two days' trial, the Magistrate discharged them, but at what cost to the poor people! They were carrying their days' earnings in prospect on their shoulders. These were

gone. They were, I believe, detained for two days in gaol and had to pay their attorney's fees in the bargain, for having ventured to be up and doing in the early morning, a fitting reward for industry! And Mr. Chamberlain wants instances of real grievances!

There is a system of passes in Natal. Any Indian who, whether in the day-time or the night-time, does not show a pass as to who he is, is liable to arrest. This is meant to prevent desertion by the indentured Indians and to facilitate identification, and is thus far, I believe, necessary, but the working of the law is extremely irritating and a crying grievance. But for the cruel feeling, no injustice need occur under that law. Let the papers speak for themselves as to the working of the law. *The Natal Advertiser* of the 19th June, 1895 has the following on the subject:

> I wish to bring before your notice a few facts regarding the manner in which the Cato Manor[1] tenants are arrested under Section 31, Law 25 of 1891. When they are walking on their grounds, the policemen come and arrest them and ask for their free passes. When they call out for their wives or relatives to produce the passes, before they can be produced the policemen begin to drag the Indians to the police station. When the passes are produced on the road to the station, the policemen simply look at them and throw them to the ground. The Indians are taken to the police station, detained for a night and made to wash the cell out in the morning and are then brought before the Magistrate. The Magistrate, without taking their pleas, fines them. When they reported this to the Protector,[2] he told them to go to the Magistrate, yet (adds the correspondent) he is appointed to protect the Indian immigrants. If such things exist in the Colony (continues the writer), to whom are they to appeal?

The statement that the Magistrate does not take pleas must, I think, be a mistake.

The Natal Mercury, the Government organ in Natal, of 13th April, 1895, has the following from the Editor:

1 A suburb of Durban.

2 Protector of Indian Immigrants.

A point of considerable importance to respectable Indians and which causes much heart-burning, is their liability to arrest. Let me give a case in point. A well-known Durban Indian who has property in various parts of the town, a well-educated and exceedingly intelligent man, was the other night, with his mother, visiting Sydenham, where also he has property. Met by two native constables, the young man and his mother were taken into custody and marched off to the police station, though it is only fair to say the native police conducted themselves admirably. The young Indian referred to explained who he was and gave references and the trooper at length bade him begone, warning him, however, that if he did not have a pass next time he would be detained and prosecuted. Being a British subject in a British Colony, he objects to being treated in this way, though, of course, he recognizes the necessity of watchfulness in general. He makes a very strong point, however, and one which the authorities should certainly consider.

It will be only fair to state what the authorities have to say. They admit the grievance but ask how they are to distinguish between an indentured Indian and a free Indian. We, on the other hand, submit that nothing can be easier. The indentured Indian never is dressed in a fashionable dress. The presumption should be in favour of, not against, the Indian, especially an Indian of the type I am referring to. There is no more reason to presume a man to be a thief than to presume an Indian to be a deserter. Even if an Indian did desert and made preparations to look decent, it will be difficult for him to remain undetected for a long time. But, then, the Indian in South Africa is not credited with any feelings. He is a beast, "a thing black and lean", "the Asian dirt to be heartily cursed".

There is, again, a law which says that natives and Indians, when driving cattle, must be provided with certain passes; also, a bye-law in Durban which provides for the registration of native servants and "others belonging to the uncivilized races of Asia". This presupposes that the Indian is a barbarian. There is a very good reason for requiring registration of a native in that he is yet being taught the dignity and necessity of labour. The Indian knows it and

he is imported because he knows it. Yet, to have the pleasure of classifying him with the natives, he too is required to be registered. The Superintendent of the Borough Police has never, so far as I know, put the law in motion. Once I raised an objection, in defending an Indian servant, that he was not registered. The Superintendent resented the objection and said he never applied the law to Indians and asked me if I wanted to see them degraded. The law, however, being there, may at any time be used as an engine of oppression.

But we have not attempted to have any of these disabilities removed. We are doing what we can to have their rigour mitigated locally. For the present, our efforts are concentrated towards preventing and getting repealed fresh legislation. Before referring to that, I may further illustrate the proposition that the Indian is put on the same level with the native in many other ways also. Lavatories are marked "natives and Asiatics" at the railway stations. In the Durban Post and Telegraph Offices, there were separate entrances for natives and Asiatics and Europeans. We felt the indignity too much and many respectable Indians were insulted and called all sorts of names by the clerks at the counter. We petitioned the authorities to do away with the invidious distinction and they have now provided three separate entrances for natives, Asiatics, and Europeans.

The Indians have, up to now, enjoyed the franchise rights under the general franchise law of the colony, which requires ownership of immovable property worth £50 or payment of an annual rental of £10 to qualify an adult male to be placed on the Voters' Roll. There is a special franchise law for the natives. Under the former, in 1894, there were 9,309 European voters and 251 Indians, of whom only 203 were living at the time, the populations being equal. Thus the European vote in 1894 was 38 times as strong as the Indian vote. Yet, the Government thought or pretended to think that there was a real danger of the Asiatic vote

swamping the European. They, therefore, introduced into the Legislative Assembly of Natal a Bill disfranchising all Asiatics save those who were then rightly contained in any Voters' List, the preamble of the Bill stating that the Asiatics were not acquainted with elective representative institutions. Against this Bill we memorialized both the Legislative Assembly[1] and the Legislative Council[2] of Natal but to no purpose. We then memorialized Lord Ripon[3] and forwarded copies of the memorial to the Press and the public in India and England, with a view to enlist their sympathy and to secure their active support which, we are thankful to say, we received to some extent.

As a result, that Act has now been repealed and replaced by an Act which says "no persons shall be qualified to have their names inserted in any list of electors who (not being of European origin) are natives or descendants in the male line of natives of countries which have not hitherto possessed elective representative institutions founded on the parliamentary franchise unless they shall first obtain an order from the Governor-in-Council, exempting them from the operation of the Act." It also exempts from its operation those persons that are rightly contained in any Voters' List. This Bill was first submitted to Mr. Chamberlain who has practically approved of it. We, yet, thought it advisable to oppose it and, with a view to secure its disallowance, have sent a memorial[4] to Mr. Chamberlain and hope to secure the same measure of support that has been extended to us hitherto. We believe that the real reason for all such legislation is to accord a different treatment to the Indian in South Africa, such that, under it, a respectable Indian in that country may become an impossibility. There is no real danger of the Asiatic vote swamping

[1] *Vide* Vol. I, pp. 92-6.
[2] ibid, pp. 107-11.
[3] ibid, pp. 116-28.
[4] ibid, pp. 324-45.

the European or the Asiatic ruling South Africa. Yet this was the main point urged in support of the Bill. The whole question has been well thrashed out in the Colony and Mr. Chamberlain has got all the materials before him to judge. Here are the Government giving their own view in their organ, *The Natal Mercury*, of the 5th March, 1896, dealing with the present Bill and supporting it. After quoting the figures from the Voters' List it says:

> The fact of the matter is that apart from numbers altogether the superior race will always hold the reins of Government. We are inclined to the belief therefore that the danger of the Indian vote swamping the European is a chimerical one. We do not consider that the danger of being swamped, is at all a likely one, as past experience has proved that the class of Indians coming here, as a rule, do not concern themselves about the franchise and further that the majority of them do not even possess the small property qualification required.

This admission has been reluctantly made. The *Mercury* supposes, and we believe, that the Bill will fail in its purpose, if it is to debar the Asiatic from the franchise, and says that it would not matter if it does. What, then, is the object if it be not to harass the Indian community? The real reason why the Bill has been introduced is thus guardedly but frankly stated by the *Mercury* of the 23rd April, 1896:

> Rightly or wrongly, justly or unjustly, a strong feeling exists among the Europeans in South Africa, and especially in the two Republics, against Indians or any other Asiatics being allowed unrestricted right to the franchise. The Indian argument, of course, is that there is only one Indian to every 38 European voters on the Roll at present with the open franchise, and that the danger anticipated is imaginary. Perhaps it is, but we have to deal with it as if it were a real danger, not altogether, as we have explained, because of our views, but because of the views we know to be strongly held by the rest of the Europeans in the country. We do not want isolation again under the far greater and more fatal ban of being a semi-Asiatic country out of touch and out of harmony with the other European Governments of the country.

This, then, is the naked truth. In obedience to the popular

outcry, justly or unjustly, the Asiatic must be put down. This Bill has been passed after a secret meeting was held by the Government at which they explained the real reasons for passing the Bill. It has been condemned by the Colonists and the other newspapers as inadequate from their point of view and by the very members who voted for it. They hold that the Bill will not apply to the Indians because they possess in India "elective representative institutions founded on the Parliamentary franchise and that it will involve the Colony in endless litigation and agitation". We, too, have taken up the same ground. We have urged that the Legislative Councils in India are "elective representative institutions founded on the Parliamentary franchise". Of course, in the popular sense of the term, we have no such institutions, but in the opinion of the London *Times* and an able jurist in Durban our institutions can well be legally classified under those described in the Bill. *The Times* says "the argument that he (the Indian) has no franchise whatever in India is inconsistent with facts". Mr. Laughton, an eminent lawyer in Natal, writing to a newspaper on the subject, says:

> Is there, then, a Parliamentary (or legislative) franchise in India, and what is it? There is, and it was created by the Acts 24 and 25 Victoria, Chapter 67, and 55 and 56 Victoria, Chapter 140, by the regulations made under Section 4 of the latter Act. It may not be founded on what we call a liberal basis, it may indeed be founded on a very crude basis, but it is the Parliamentary franchise nevertheless, and under the Bill, it is on it that elective representative institutions of India have to be founded.

This is also the opinion of other eminent men in Natal. Mr. Chamberlain, however, in his despatch[1] in connection with the matter says:

> I also recognise the fact that the natives of India do not possess representative institutions in their own country and that they themselves, in those periods of their history when they were exempt from European influence, have never set up any such system themselves.

[1] Dated September 12, 1895.

The opinion, as will be noticed, is opposed to the view expressed by *The Times* partly quoted above and has naturally frightened us. We are anxious to know what the best legal opinion here is. We cannot, however, too often urge that it is not political power that we want but it is degradation which these Franchise Bills involve that we resist. If a Colony is allowed to treat the Indians on a different footing from the Europeans in one respect, there would be no difficulty in going further. Their goal is not merely disfranchisement. Their goal is total extinction of the Indian. He may be allowed to exist there as a pariah, as an indentured labourer, at the most a free labourer, but he must not aspire higher. At the time the first Franchise Bill was introduced, in response to the clamour for Municipal disfranchisement of the Indians, the Attorney-General said that [that] would be dealt with in the near future. The Natal Government, about a year ago, wished to convene what was called a "Coolie Conference", so that there might be uniformity in Indian legislation throughout South Africa. At that time also, the Deputy Mayor of Durban moved a resolution that the Asiatics should be induced to live in separate locations. The Government are vexing themselves to find out how they can directly and effectively check the influx of the Indian traders, whom Mr. Chamberlain describes to be "peaceable, law-abiding, meritorious body of persons whose undoubted industry and intelligence and indomitable perseverance", he hopes, "will suffice to overcome any obstacles which may now face them in pursuit of their avocations". The present Bill, therefore, we humbly think, has to be taken in connection with these facts and treated accordingly. The London *Times* has put the franchise question in this form:

> The question now before Mr. Chamberlain is not an academic one. It is not a question of argument but of race-feeling. We cannot afford a war of races among our own subjects. It would be as wrong for the Government of India to suddenly arrest the development of Natal by shutting off the supply of immigrants as it would

be for Natal to deny the rights of citizenship to British Indian subjects who, by years of thrift and good work in the Colony, have raised themselves to the actual status of citizens.

The Second Bill that has been passed by the Natal Legislature proposes to keep the indentured Indians always under indenture, or if they do not relish it, to send them back to India at the end of the first indenture of five years, or if they would not go back, then to compel them to pay an annual tax of £3.[1] How, in a British Colony, such a measure could even be thought of passes our comprehension. Almost all the public men in Natal are agreed that the prosperity of the Colony depends upon the Indian labour. In the words of a present member of the Legislative Assembly, "at the time the Indian immigration was decided upon the progress and almost the existence of the Colony hung in the balance!" But in the words of another eminent Natalian,

> Indian immigration brought prosperity, prices rose, people were no longer content to grow or sell produce for a song, they could do better. If we look to 1859, we shall find that the assured promise of Indian labour resulted in an immediate rise of revenue which increased four-fold within a few years. Mechanics who could not get a wage and were earning 5 shillings a day and less found their wages more than doubled and progress gave encouragement to everyone from the Burgh to the Sea.

Yet they want to tax these industrious and indispensable people who, in the words of the present Chief Justice of Natal, have turned out to be "trustworthy and useful domestic servants", after having taken the very life-blood out of them. The following opinion was held by the present Attorney-General ten years ago. He is now the framer of this Bill which a Radical newspaper in London says "is a monstrous wrong, an insult to British subjects, a disgrace to its authors and a slight upon ourselves."

> With reference to the time-expired Indians, I do not think that it ought to be compulsory on any man to go to any part of the world save for a crime for which he is transported; I hear a great

[1] *Vide* Vol. I, pp. 212-4 and pp. 215-27.

deal of this question. I have been asked again and again to take a different view but I have not been able to do it. A man is brought here in theory with his own consent, in practice very often, without, he gives the best five years of his life, he forms new ties, forgets the old ones perhaps, establishes a home here and he cannot, according to my view of right and wrong, be sent back. Better by far to stop the further introduction of Indians altogether than to take what work you can out of them and order them away.

But now that which was meritorious 10 years ago in the Indian, namely, his service to the Colony for 5 years for a paltry wage, has become a crime for which he would deserve transportation to India, if the Natal Attorney-General be allowed to do so by the Indian and the Home Governments. I may mention that the Indian Government, on the representation of an *ex parte* Commission[1] that visited India from Natal in 1893, have accepted the principle of compulsory indenture. We, however, are hoping confidently that the facts brought out in the memorials to the Home and the Indian Governments[2] are sufficient to induce the latter to alter their views.

Although we have not moved in the matters specially affecting the Indians now serving their indenture, one may well presume that their lot will not be practically comfortable on the estates. We think that the alteration in the Colony's tone with regard to the general population will affect the masters also of the indentured Indians. One or two matters, however, I have been asked to especially bring to the notice of the public. A representation was made, even as far back as 1891, by an Indian Committee headed by Mr. Haji Mohmed Haji Dada, one of the prayers whereof being that the Protector of Immigrants should be a man knowing the Tamil and the Hindustani languages and should, if possible, be an Indian. We have not receded from that position, but the interval has merely confirmed that opinion.

1 The Binns-Mason Commission.

2 *Vide* Vol. I, pp. 215-30.

The present Protector is an estimable gentleman. His ignorance of the languages, however, cannot but be a serious drawback. We humbly consider also that the Protector should be instructed to act as an advocate for the Indian more than as Judge between the employers and the immigrants. I shall illustrate what I say. An Indian named Balasundram was, in 1894, so ill-treated by his master that two of his teeth were nearly knocked out; they came out through his upper lip causing an issue of blood sufficient to soak his long turban in it. His master admitted the fact but pleaded grave provocation denied by the man. On receiving the punishment, he seems to have gone to the Protector's house which was close by his master's. The Protector sent word that he must go to his office the next day.

The man went, then, to the Magistrate who was much moved at the sight. The turban was kept in court and he was at once sent to the hospital for treatment. The man after having been kept in the hospital for a few days was discharged. He had heard about me and came to my office. He had not recovered sufficiently to be able to speak. I asked him, therefore, to write out his complaint in Tamil which he knew. He wanted to prosecute the master so that his contract of indenture might be cancelled. I asked him if he would be satisfied if his indenture was transferred. On his nodding consent to what I said, I wrote to his master asking if he would consent to transfer the services of the man. He was at first unwilling but subsequently consented. I sent the man also to the Protector's office with a Tamil clerk of mine who gave the man's version to the Protector. The Protector desired the man to be left in his office and sent word that he would do his best. The master, in the meanwhile, went to the Protector's Office and changed his mind, saying his wife would not agree to the transfer because his services were invaluable. The man was then said to have compromised and to have given the Protector

a written document to the effect that he had no complaint to make. He sent me a note to the effect that as the man had no complaint to make and his master did not consent to transfer the services he would not interfere in the matter. I ask if this was right. Was it right for the Protector to have taken such a document from the man? Did he want to protect himself against the man? To proceed, however, with the painful story, naturally the note sent a shock through my body. I had hardly recovered when the man came to my office crying and saying the Protector would not transfer him. I literally ran to the Protector's Office and inquired what the matter was. He placed the written document before me and asked me how he could help the man. He said the man should not have signed the document. And this document was an affidavit attested by the Protector himself. I told the Protector that I should advise the man to go to the Magistrate and lodge a complaint. He said the document will be produced before the Magistrate and it would be useless. He advised me, therefore, to drop the matter. I returned to my office and wrote a letter to his master imploring him to consent to the transfer. The master would do nothing of the kind. The Magistrate treated us quite differently. He had seen the man while the blood was yet dropping from his lips. The deposition was duly made. On the day of hearing, I explained the whole circumstances and again appealed to the master in open court and offered to withdraw the complaint if he consented to the transfer. The Magistrate then gave the master to understand that, unless he considered my offer more favourably than he seemed to do at the time, consequences might be serious for him. He went on to say that he thought the man was brutally treated. The master said he gave provocation. The Magistrate retorted: "You had no business to take the law in your own hands, and beat the man as if he were a beast." He adjourned the case for one day in order to enable the master to consider the offer made by me. The master,

of course, came down and consented. The Protector then wrote to me that he would not agree to transfer unless I submitted a European name he could approve of. Happily, the Colony is not quite devoid of benevolent men. A Wesleyan local preacher and solicitor, out of charity, undertook to take over the man's services, and thus ended the last act of this painful drama. Comment is superfluous as to the procedure adopted by the Protector. This is only a typical instance showing how hard it is for the indentured men to get justice.

We submit that no matter who he is, his duties should be clearly defined as are those of Judges, Advocates, Solicitors, and others. Certain things, for the sake of avoiding temptations, he should not be able to do in spite of himself. Just fancy a Judge being the guest of a criminal who is being tried before him. Yet, the Protector, when he goes to the estates to enquire about the condition of the men and to hear complaints, can and does often become the guest of the employers. We submit that this practice is wrong in principle, no matter how high-minded the Protector may be. As a Surgeon-Superintendent of Immigrants remarked the other day, the Protector should be easily approachable to the meanest coolie, but he should be unapproachable to the lordliest employer. He may not be a Natal man. It also looks a strange procedure to appoint as Protector a member of a Commission whose object is to induce the Indian Government to consent to pass harsher laws for the indentured Indians. When the Protector has to perform such a conflicting duty, who is to protect the indentured men?

It should be easy for the immigrant to have his services transferred. There are in the gaol some Indians who have been there for years because they refuse to go to their employers. They say they have complaints which, owing to the peculiar circumstances in which they are placed, they cannot substantiate. A Magistrate was so much

disgusted with the business that he wished he had not to try such cases. *The Natal Mercury* of 13th June, 1895, thus comments on such a case:

> When a man, even a coolie immigrant, prefers to go to prison rather than work for the master to whom he has been indentured, the natural inference is that something is wrong somewhere, and we are not surprised at Mr. Dillon's remarks, on Saturday, when he had three coolies before him, all charged with the same offence of refusing to work, all giving the same excuse, viz., that they were ill-treated by their masters. Of course, it is just possible that these particular coolies prefer gaol work to plantation work. On the other hand, it is just possible that the coolies have some ground for their complaint as to their treatment and the matter is one that ought to be investigated, and at least these men who complain in this way should be transferred to another master and, if they again refuse to work, it can be readily seen that they do not want work. If a coolie is ill-treated it may be said that he can complain to the Magistrate, but it is not an easy matter for any coolie to prove such cases. It is a matter altogether for the Protector of Immigrants to inquire into and remedy, if possible.

There is an Immigration Trust Board that consists of employers of Indians. They have now received very wide powers. And seeing the position they occupy, their acts will have to be very jealously watched by the Indian Government. The punishment for desertion is heavy enough, and yet, they are now seriously considering whether some stiffer mode of dealing with such cases could not be devised. It should be remembered, however, that, in at least 9 cases out of 10, the so-called deserters complain of ill-treatment, and such deserters are protected under the law from punishment, but, as the poor fellows cannot establish their complaints, they are treated as real deserters and sent by the Protector to the Magistrate for punishment accordingly. Under such circumstances, any alteration for the worse in the law about desertion should, we submit, require careful consideration.

There is a sad mortality among these people from suicides. They are not satisfactorily accounted for. I cannot do

better than quote the *Advertiser* of the 15th May, 1896:

A feature of the annual report of the Protector of Immigrants, to which more public attention should be given than is the case, is that referring to the number of suicides which take place every year among the indentured coolies on the estates. This year the number recorded is six out of a total of 8,828. A large number occurred in 1894. It is, however, a very high percentage and raises the suspicion that on some estates a system of treatment exists towards the coolie labourers much akin to slave-driving. It is extremely significant that so many suicides should occur on certain estates. This is a point which calls for investigation. Apparently, no inquiry of any kind is held into the cases with a view to ascertain whether the treatment meted out to unfortunate wretches, who prefer death to life, is such as to render existence an intolerable misery. The matter is one which is apt to pass unnoticed. It, however, ought not to do so. In a recent case of desertion on the part of several coolies from an estate down South, the prisoners openly declared in Court that they would rather kill themselves than return to their employer. The Magistrate said he had no option but to order them back to serve out their indentures. It is time the Colony took steps to afford such complainants an opportunity of bringing the facts in connection with their complaints before some Court of Inquiry and the public. It is also desirable that a Secretary of Indian Affairs should be added to the Ministry. As matters stand at present, the indentured Indian has no effectual mode of appeal against whatever brutality may be inflicted on him on the plantations.

We, however, wish to guard ourselves against being understood to say that the life of the indentured Indians in Natal is harder than in any other country, or that this is a part of the general grievances of the Indians in the Colony. On the other hand, we know that there are estates in Natal where the Indians are very well treated. At the same time, we do humbly submit that the lot of the indentured Indians is not all that it might be and that there are points which require attention.

When an indentured Indian loses his free pass, he is charged £3 for the duplicate. The reason for this is the alleged fraudulent sale by the Indians of their passes. But, surely, such fraudulent sale can be criminally punished.

A man who has sold his pass should never be able to get a duplicate even on a payment of £30. On the other hand, it should be as easy for an ordinary Indian to get a duplicate as the original. They are supposed to carry their passes about their persons. No wonder if they are frequently lost. I know a man who could not get a duplicate because he had not £3 with him. He wanted to go to Johannesburg and he could not go. The practice in the Protector's department in such cases is to issue temporary passes so that the men may be able to make a present of their first £3 earned to the Protector's office. In the case I am referring to, the man had a temporary pass issued for six months. He could not earn £3 during that time. There are dozens of such cases. I have no hesitation in saying that this is nothing but a system of blackmail.

ZULULAND

In the Crown Colony of Zululand there are certain townships. There are regulations published with reference to the sale of land in these townships, and the regulations for the townships of Eshowe and Nondweni prevent the Indians from owning or acquiring land,[1] although the Indians own land worth nearly £2,000 in the township of Melmoth in the same country. We have sent a memorial to Mr. Chamberlain[2] and it is now engaging his attention. The Colonists in Natal say that, if such disabilities can be placed on Indians in a Crown Colony, a responsibly governed Colony such as Natal should be allowed to do what it liked with regard to the Indians. Our position in Zululand is no better than in the Free State. It is so dangerous to go to Zululand that the one or two who ventured to go there had to return back. There is a good opening for the Indians there, but the ill-treatment comes

[1] *Vide* Vol. I, pp. 292-4 and pp. 299-301.
[2] *Ibid*, pp. 303-7.

in the way. This is a matter that we are earnestly hoping will be set right without much delay.

THE CAPE COLONY

In the Cape Colony, the Mayoral Congress has passed a resolution signifying its desire for legislation prohibiting the influx of Asiatics in that Colony and hoping that prompt action will be taken. The Cape Legislature has, lately, passed a measure which gives the East London Municipality in that Colony the power to make bye-laws compelling natives and Indians to remove to and reside in certain locations and prohibiting them from walking on foot-paths. It is difficult to conceive a better instance of cruel persecution. The following is the position of the Indians in East Griqualand under the Cape Government, according to the *Mercury* of 23rd March, 1896:

> An Arab, named Ismai Suliman, erected a store in East Griqualand, paid customs duty upon goods and applied for a license, which the Magistrate refused. Mr. Attorney Francis, on the Arab's behalf, appealed to the Cape Government who upheld the Magistrate and have issued instructions that no coolies or Arabs are to have trading licenses in East Griqualand and the one or two that have licenses are to be closed up.

Thus, in some parts of Her Majesty's Dominions in South Africa, even the vested rights of Her Indian subjects are not to be protected. What happened to the Indian in the end, I was unable to ascertain. There are many cases where Indians have been unceremoniously refused licenses to trade. There is a Blue book on Native Affairs published in Natal. One of the Magistrates therein says, he simply refuses to issue trading licenses to Indians and thus prevents Indian encroachments.

CHARTERED TERRITORIES

In the Chartered Territories, the Indians are receiving the same kind of treatment. Only lately, an Indian was

refused a license to trade. He went to the Supreme Court who decided that the license could not be refused to him. Now the Rhodesians have sent a petition to the Government requesting them to alter the law so as to prevent the Indians from getting licenses under the law. It is said that the Government are inclined to favour the request of the petitioners. This is what the correspondent of the South African *Daily Telegraph* has to say about the meeting that sent the petition:

It affords me pleasure to be able to say, and say truthfully, that the meeting was in no wise a representative one. Had it been so, little credit would thereby have been reflected on the inhabitants of the town. Some half a dozen leading store-keepers, the editor of a paper, a sprinkling of minor Government officials and a fairly large collection of prospectors, mechanics and artisans made up the assembly, which, those under whose direction it was held would fain have us believe, represented the voice of the public of Salisbury. The resolutions, which I have already wired you with the [names of] proposers and seconders, were nicely cut and dried before the meeting commenced and the figures were set in order and worked in their places when the time arrived. There were no Indians present and no one ventured a word on their behalf, why, it is hard to say; for it is certain that the feeling of by far the majority in this town is altogether adverse to the one-sided, selfish and narrow-minded opinion expressed by those who essayed to speak on the question. . . . I cannot help thinking that little, if any, harm need be feared from the advent of a race who are industrious and steady and who, in higher sphere, have on occasion given evidences of their capabilities in upholding positions which they maintain ably and honourably side by side with their lighter-skinned brother.

THE TRANSVAAL

Coming now to the non-British States, i.e., The Transvaal and the Free State, there were in the Transvaal nearly two hundred traders in 1894 whose liquidated assets would amount to £100,000. Of these, about three firms imported goods directly from England, Durban, Port Elizabeth, India and other places, and had thus branches in the other parts of the world whose existence mainly

depended upon their Transvaal business. The rest were small vendors having stores in different places. There were, then, nearly two thousand hawkers in the Republic who buy goods and hawk them about. Of the labouring Indian population, who are employed as general servants in European houses or hotels, there were about 1,500 men, of whom about 1,000 lived in Johannesburg. Such, roughly, was the position at the end of 1894 A.D. The numbers have now considerably increased. In the Transvaal, the Indians cannot own landed property; they can be ordered to reside in locations. No new licenses to trade are issued to them. They are made to pay a special registration fee of £3. All these restrictions are unlawful, being in contravention of the London Convention which secures the rights of all Her Majesty's subjects. But the previous Secretary of State for the Colonies having consented to a departure from the Convention, the Transvaal has been able to impose the above restrictions. They were the subject of an arbitration in 1894-95 which has decided against the Indians, that is to say, which has declared that the Republic was entitled to pass those laws. A memorial[1] against the award of the arbitrator was sent to the Home Government. Mr. Chamberlain has now given his decision on the memorial and, while sympathising with the prayer thereof, has accepted the award of the Arbitrator. He has, however, promised and retained the right to make friendly representations to the Transvaal Government from time to time. And, if the representations are emphatic enough, we have no doubt that we shall get justice in the end. We, therefore, implore the public bodies to exert their influence so that these representations may be such as to have their desired effect. I shall venture to quote an instance in point. When, during the Malaboch war,

1 *Vide* Vol. I, pp. 187-208.

the British subjects were being commandeered, many protested against it and asked for the interference of the Home Government. The reply first sent was to the effect that they could not interfere with the affairs of the Republic. The papers, however, were enraged and memorials strongly worded were repeated. At last came the request to the Transvaal Government not to commandeer British subjects. It was not an interference, yet the request had to be granted and the commandeering of British subjects was stopped. May we hope for such a request which carries with it its fulfilment? If we are not as important a community as that concerned with the commando movement, our grievances, we submit, are much more so.

Whether such or any representations are made or not, there will arise questions out of the award that will engage Mr. Chamberlain's attention. What shall be done with the hundreds of Indian stores in the Transvaal? Will they all be closed up? Will they all be made to live in locations, and if so, what locations? The British Agent has thus described the Transvaal locations with reference to the removal of the Malays in Pretoria, the Metropolis of the South African Repubic:

> To be forced into a small location on a spot used as a place to deposit the refuse of the town, without any water except the polluted soakage in the gully between the location and the town, must inevitably result in malignant fevers and other diseases breaking out amongst them whereby their lives and the health of the community in town will be endangered. (Green book No. 2, 1893, page 72).

Will they, or will they not, receive any compensation if they are made to sell off? Again, the very law is ambiguous. The Arbitrator was called upon to decide upon the interpretation which he has now left to the High Court of the Transvaal. We contend that by the law the State can only compel us to reside in locations. The State contends that residence includes trading stores

also and that, therefore, we may not, under that law, even trade except in specified locations. The High Court is said to favour the State interpretation.

Nor are these the only grievances in the Transvaal. These were the subject of the arbitration. But there is a law which prevents the railway authorities in the Transvaal from issuing first or second-class tickets on the railways. There is a tin compartment reserved for natives and other coloured people in which we are literally packed like sheep, without regard to our dress, our behaviour, or our position. In Natal, there is no such law but the petty officials give trouble. The hardship is not insignificant. In Delagoa Bay, the authorities so respect the Indian that they would not allow him to travel 3rd class, so much so that, if a poor Indian could not afford the 2nd-class fare, he is allowed to travel 2nd class under a 3rd-class ticket. The same Indian, as soon as he reaches the Transvaal border, is compelled to put his dignity into his pocket, asked to produce a pass and then unceremoniously thrust into the third-class compartment, no matter whether he has a first-class or a second-class ticket. The journey is long enough to be felt like a month's journey in those uncomfortable quarters. The same thing happens on the Natal side. Four months ago, an Indian gentleman got a second-class ticket for Pretoria at Durban. He was assured that he would be all right, yet, he was not only forcibly put out at Volksrust, a station on the Transvaal border, but could not proceed by that train because it did not carry any third-class compartment. These regulations seriously interfere with our carrying on our trade also. There are many who, owing to such inconveniences, would not move from place to place unless they could not possibly avoid it.

Then, in the Transvaal, an Indian, like the native of South Africa, has to carry a travelling pass which costs a shilling. This is the Indian's permit to travel about.

It is, I believe, available only for a single journey. Thus, Mr. Haji Mahomed Haji Dada was put out of his post-cart and had to walk a distance of three miles, at the point of the police-man's *sjambok*, which serves the purpose of the bayonet, in order to get the pass. The pass master, however, knew him and so would not issue any pass to him. All the same, he had to miss his coach and walk from Volksrust to Charlestown.

The Indians cannot, as of right, walk on the foot-path in Pretoria and Johannesburg. I use the word "as of right" advisedly, because the traders are, as a rule, not interfered with. In Johannesburg, there is a bye-law to that effect passed by the Sanitary Board. A gentleman, named Mr. Pillay, a graduate of the Madras University, was violently pushed off the foot-paths in Pretoria. He wrote about it to the papers. The attention of the British Agent also was drawn to the matter. But, sympathetic as he was towards the Indians, he declined to interfere.

The gold mining laws of Johannesburg prevent Indians from taking out mining licenses and render it criminal for them to sell or possess native gold.

The treaty, exempting the British subjects from commando service, has been accepted by the Transvaal with the reservation that British subjects therein shall mean only "Whites". That is now the subject of a memorial to Mr. Chamberlain.[1] Under it, apart from the serious disability it places upon the Indian subjects of Her Majesty, we might, as the London *Times* puts it, "now see a levy of British Indian subjects driven at the point of the Transvaal bayonets against the bayonets of British Troops."

THE ORANGE FREE STATE

The Orange Free State, as I have already quoted from a newspaper, has made the British Indian an impossibility. We are driven away from that State, causing to us

[1] *Vide* Vol. I, pp. 254-6.

a loss of £9,000. Our stores were closed up and no compensation was given to us. Will Mr. Chamberlain consider this a real grievance and get us our £9,000 from the Orange Free State, not to speak of the future blighting of the prospects of the traders particularly concerned? I know them all, and most of them have not been able to regain their former position, although at the time they were thus driven out they were supposed to be the wealthiest firms. The law, which is entitled "the law to prevent the inrush of Asiatic coloured persons", prevents any Indian from remaining in the Orange Free State for more than 2 months, unless he gets the permission from the President of the Republic, who cannot consider the application to reside before thirty days have elapsed after the presentation of the petition and other ceremonies have been performed. He can, however, on no account, hold fixed property in the State or carry on any mercantile or farming business.

The President may or may not, "according to the state of things", grant such mutilated permission to reside. Any Indian resident, moreover, is subject to an annual poll-tax of £10. The first contravention of the section relating to mercantile and farming business renders the delinquent liable to a fine of £25 or three months' imprisonment, with or without hard labour. For all subsequent contraventions, the punishment is to be doubled.

But, gentlemen, you have been told lately by the Natal Agent-General[1] that the Indians are nowhere better treated than in Natal; that the fact that a majority of the

[1] On the publication of the first edition of the Green Pamphlet, Reuter issued a misleading report of its contents. The Natal Agent-General sought to refute charges of ill-treatment made by Gandhiji. The paragraphs from "But, gentlemen, . . . " to "Quoting statistics to prove. . . ." (p. 39, *infra*) constituted Gandhiji's reply to the Agent-General made at the Madras meeting. They were incorporated in the second edition of the Green Pamphlet and referred to, in the preface, as an "appendix". *Vide* pp. 105-112, *infra*, and for Gandhiji's letter on the subject to the Press, pp. 85-9, *infra*.

indentured labourers do not avail themselves of the return passage is the best answer to my pamphlet, and that the railway and tram-car officials do not treat the Indians as beasts nor do law courts deny them justice.

With the greatest deference to the Agent-General, all I can say as to the first statement is that he must have very queer notions of good treatment, if to be locked up for being out after 9 p.m. without a pass, to be denied the most elementary right of citizenship in a free country, to be denied a higher status than that of bondman and, at best, a free labourer, and to be subjected to other restrictions referred to above are instances of good treatment. And if such treatment is the best the Indians receive throughout the world, then the lot of the Indians in other parts of the world and here must be very miserable indeed, according to the common-sense view. The thing is that Mr. Walter Peace, the Agent-General, is made to look through the official spectacles and to him everything official is bound to appear rosy. The legal disabilities are condemnatory of the action of the Natal Government, and how can the Agent-General be expected to condemn himself? If he, or the Government which he represents, only admitted that the legal disabilities mentioned above were against the fundamental principles of the British Constitution, I should not stand before you this evening. I respectfully submit that statements of opinion made by the Agent-General cannot be allowed to have greater weight than those of an accused person about his own guilt.

The fact that the indentured Indians, as a rule, do not avail themselves of the return passage we do not dispute, but we certainly dispute that it is the best answer to our complaints. How can that fact disprove the existence of the legal disabilities? It may prove that the Indians, who do not take advantage of the return passage, either do not mind the disabilities, or remain in the Colony in spite of such disabilities. If the former be the

case, it is the duty of those who know better to make the Indians realize their situation and to enable them to see that submission to them means degradation. If the latter be the case, it is one more instance of the patience and the forbearing spirit of the Indian nation, which was acknowledged by Mr. Chamberlain in his despatch in connection with the Transvaal Arbitration. Because they bear them is no reason why the disabilities should not be removed or why they should be interpreted into meaning the best treatment possible.

Moreover, who are these people who, instead of returning to India, settle in the Colony? They are the Indians drawn from the poorest classes and from the most thickly populated districts, possibly living in a state of semi-starvation in India. They migrated to Natal with their families, if any, with the intention of settling there, if possible. Is it any wonder if these people, after the expiry of their indenture, instead of returning to face semi-starvation, as Mr. Saunders has put it, settle in a country where the climate is magnificent and where they may earn a decent living? A starving man, generally, would stand any amount of rough treatment to get a crumb of bread.

Do not the Uitlanders make out a terribly long list of grievances in the Transvaal? And yet, do they not flock to the Transvaal in thousands, in spite of the ill-treatment they receive there, because they can earn their bread in the Transvaal more easily than in the old country?

This, too, should be borne in mind that, in making his statement, Mr. Peace has not taken into account the free Indian trader who goes to the Colony on his own account and who feels most the indignities and disabilities. If it does not do to tell the Uitlander that he may not go to the Transvaal if he cannot bear the ill-treatment, much less will it do to tell so to the enterprising Indian. We belong to the Imperial family and are children,

adopted, it may be, of the same august mother, having the same rights and privileges guaranteed to us as to the European children. It was in that belief that we went to the Colony of Natal, and we trust that our belief was well-founded.

The Agent-General has contradicted the statement made in the pamphlet that the railway and tram-car officials treat the Indians as beasts. Even if the statements I have made were incorrect, that would not disprove the legal disabilities which, and which alone, have been made the subject of memorials and to remove which we invoke the direct intervention of the Home and the Indian Governments. But, I venture to say that the Agent-General has been misinformed, and beg to repeat that the Indians *are* treated as beasts by the railway and the tram-car officials. That statement was made now nearly two years ago in quarters where it could have been contradicted at once. I had the honour to address an 'Open Letter' to the members of the local Parliament in Natal. It was widely circulated in the Colony and noticed by almost every leading newspaper in South Africa. No one contradicted it then. It was even admitted by some newspapers. Under such circumstances, I ventured to quote it in my pamphlet published here.[1] I am not given to exaggerate matters, and it is very unpleasant to me to have to cite testimony in my own favour, but since an attempt has been made to discredit my statements and, thereby, the cause I am advocating, I feel it to be my duty for the sake of the cause to tell you what the papers in South Africa thought about the 'Open Letter' in which the statement was made.

The Star, the leading newspaper in Johannesburg, says:

> Mr. Gandhi writes forcibly, moderately and well. He has himself suffered some slight measure of injustice since he came into the Colony, but that fact does not seem to have coloured his sentiment, and it must be confessed that to the tone of the 'Open Letter'

[1] The reference is to the first edition of the Green Pamphlet.

no objection can reasonably be taken. Mr. Gandhi discusses the questions he has raised with conspicuous moderation.

The Natal Mercury, the Government organ in Natal, says:

Mr. Gandhi writes with calmness and moderation. He is as impartial as any one could expect him to be, and probably a little more so than might have been expected, considering that he did not receive very just treatment at the hands of the Law Society[1] when he first came to the Colony.

Had I made unfounded statements the newspapers would not have given such a certificate to the 'Open Letter.'

An Indian, about two years ago, took out a second-class ticket on the Natal railway. In a single night journey he was thrice disturbed and was twice made to change compartments to please European passengers. The case came before the Court and the Indian got £10 damages. The following is the plaintiff's evidence in the case:

Deponent got into a second-class carriage in the train leaving Charlestown at 1.30 p.m. Three other Indians were in the same compartment but they got out at Newcastle. A White man opened the door of the compartment and beckoned to witness saying: "Come out, Sammy". Plaintiff, asked: "Why", and the White man replied: "Never mind, come out, I want to place someone here." Witness said: "Why should I come out from here when I have paid my fare"?. . . The White man then left and brought an Indian who, witness believed, was in the employ of the railway. The Indian was told to tell plaintiff to get out of the carriage. Thereupon the Indian said, "The White man orders you to come out and you must come out." The Indian then left. Witness said to the White man: "What do you want to shift me about for? I have paid my fare and have a right to remain here". The White man became angry at this and said: "Well, if you don't come out, I will knock hell out of you." The White man got into the carriage and laid hold of the witness by the arm and tried to pull him out. Plaintiff said: "Let me alone and I will come out."

[1] The Law Society of Natal had opposed Gandhiji's admission as an Advocate to the Supreme Court.

The witness left the carriage and the White man pointed out another second-class compartment and told him to go there. Plaintiff did as he was directed. The compartment he was shown into was empty. He believed some people who were playing a band were put into the carriage from which he was expelled. This White man was the District Superintendent of Railways at Newcastle. To proceed, witness travelled undisturbed to Maritzburg. He fell asleep, and when he awoke at Maritzburg, he found a White man, a White woman and a child in the compartment with him. A White man came up to the carriage and said: "Is that your boy,[1] speaking to the White man in the compartment?" Witness's fellow-traveller replied: "Yes", pointing to his little boy. The other White man then said, "No, I don't mean him. I mean the damned coolie in the corner !" This gentleman with the choice language was a railway official, being a shunter. The White man in the compartment replied: "Oh never mind him, leave him alone". Then the White man outside (the official) said: "I am not going to allow a coolie to be in the same compartment with White people." This man addressed plaintiff, saying: "Sammy, come out." Plaintiff said: "Why, I was removed at Newcastle to this compartment." The White man said: "Well, you must come out", and was about to enter the carriage. Witness, thinking he would be handled as at Newcastle, said he would go out and left the compartment. The White man pointed out another second-class compartment which witness entered. This was empty for a time but, before leaving, a White man entered. Another White man, (the official), afterwards came up and said: "If you don't like to travel with that stinking coolie I will find you another carriage." (*The Natal Advertiser*, 22nd November, 1893, Wednesday.)

You will have noticed that the official at Maritzburg maltreated the Indian passenger although his White fellow-passenger did not mind him. If this is not bestial treatment, I should very much like to know what is, and such occurrences take place often enough to be irritating.

It was found during the case that one of the witnesses for the defendant was coached. In answer to a question from the Bench whether the Indian passengers were treated with consideration, the witness, who was one of the

[1] **A term used by Europeans, in Asia and Africa, for a native male servant.**

officials referred to, replied in the affirmative. Thereupon, the presiding Magistrate who tried the case is reported to have said to the witness: "Then, you have a different opinion to what I have, and it is a curious thing that people who are not connected with the railway observe more than you."

The Natal Advertiser, a European daily in Durban, made the following remarks on the case:

It was indisputable from the evidence that the Arab had been badly treated and seeing that second-class tickets are issued to Indians of this description, the plaintiff ought not to have been subjected to unnecessary annoyance and indignity. . . . Some definite measures should be taken to minimise the danger of trouble arising between European and coloured passengers, without rendering the carrying out of such measures annoying to any person, whether black or white.

In the course of its remarks on the same case, *The Natal Mercury* observed:

There is, throughout South Africa, a tendency to treat all Indians as coolies pure and simple, no matter whether they be educated and cleanly in their habits or not. . . . On our railways we have noticed, on more than one occasion, that coloured passengers are not, by any means, treated with civility, and although it would be unreasonable to expect that the White employees of the N.G.R[1] should treat them with the same deference as is accorded to European passengers, still we think it would not be in any way derogatory to their dignity if the officials were a little more *suaviter in modo* when dealing with coloured travellers. (24-11-1893).

The *Cape Times*, a leading newspaper in South Africa, says:

Natal presents the curious spectacle of a country entertaining a supreme contempt for the very class of people she can least do without. Imagination can only picture the commercial paralysis which would inevitably attend the withdrawal of the Indian population from that Colony. And yet the Indian is the most despised of creatures, he may not ride in the tram-cars nor sit in the same compartment of a railway carriage with the Europeans.

[1] Natal Government Railway.

Hotel keepers refuse him food or shelter and he is denied the privilege of the public bath! (5–7–1891).

Here is the opinion of an Anglo-Indian, Mr. Drummond, who is intimately connected with the Indians in Natal. He says, writing to *The Natal Mercury:*

The majority of the people here seem to forget that they are British subjects, that their *Maharanee* is our Queen and, for that reason alone, one would think that they might be spared the opprobrious term of 'coolie' as it is here applied. In India, it is only the lower class of White man who calls a native a 'nigger' and treats him as if he were unworthy of any consideration or respect. In their eyes, as in the eyes of many in this Colony, he is treated either as a heavy burden or a mechanical machine. . . . It is a common thing, and a lamentable thing, to hear the ignorant and the unenlightened speak of the Indian generally as the scum of the earth, etc. It is depreciation from the White man and not appreciation that they get.

I think I have adduced sufficient outside testimony to substantiate my statement that the railway officials treat the Indians as beasts. On the tram-cars, the Indians are often not allowed to sit inside, but are sent 'upstairs', as the phrase goes. They are often made to remove from one seat to another or prevented from occupying front benches. I know an Indian officer, a Tamil gentleman, dressed in the latest European style, who was made to stand on the tram-car board, although there was accommodation available for him.

As to the statement that the Indians get justice in the law courts, I beg to say that I have never said they do not, nor am I prepared to admit that they get it at all times and in all courts.[1]

Quoting statistics to prove the prosperity of the Indian community is quite unnecessary. It is not denied that the Indians who go to Natal do earn a living and that in spite of the persecution.

[1] This paragraph, which also formed part of the Madras Address, was found inadvertently omitted in the second edition of the Green Pamphlet.

Such then is the position of the Indians in South Africa, except Delagoa Bay where the Indians are very much respected, labour under no special disability and are owners of nearly half the fixed property in the principal streets of that city. They are all of them mostly traders. Some of them are in Government employment also. There are two Parsee gentlemen who are Engineers. And there is another Parsee gentleman whom, perhaps, even a child in Delagoa Bay knows by the name of "Senhor Edul". The trading class, however, chiefly consists of Mahomedans and Banias, mostly from Portuguese India.

It yet remains for me to examine the cause of this deplorable state of things, as also the remedy. The Europeans say that the habits of the Indians are insanitary, they spend nothing and that they are untruthful and immoral. These are the objections according to the most moderate journals. Others, of course, simply abuse us. The charge as to insanitary habits and untruthfulness, is partially true, that is to say, the sanitary habits of the Indian community as a whole, in South Africa, are not as good as they might be from the highest point of view. The charge as laid against us by the European community and used in the way it has been, we totally deny, and we have quoted the opinions of Doctors in South Africa to show that "class considered, the lowest class Indian lives better and in better habitations and with more regard to sanitary measures than the lowest class White." Dr. Veale, B.A., M.B.B.S., (Cantab.), finds the Indians "to be cleanly in their persons and free from the personal diseases due to dirt or careless habits", and finds also that "their dwellings are generally clean and sanitation is willingly attended to by them."[1] But we do not say we are beyond improvement in this matter. We may not live quite satisfactorily if there were no sanitary

[1] *Vide* Vol. I, p. 203.

laws. Both the communities err equally in this respect, as the newspaper records would show. That, however, cannot be a reason for all the serious disabilities that are imposed upon us. The cause lies elsewhere, as I shall presently show. Let them enforce the sanitary law very strictly, and we shall be all the better for that. Those of us who are lazy will be properly aroused from our lethargy. As to untruthfulness, the charge, to a certain extent, is true, with regard to the indentured Indians, utterly exaggerated with regard to the traders. But the indentured Indians, placed in the position they are, I venture to say, have done much better than any other community would do in a similar position. The very fact that they are liked as servants by the Colonists and called "useful and trusty", shows that they are not the incorrigible liars they are made out to be. However, the moment they leave India, they are free from the healthy checks that keep them on the narrow path. In South Africa, they are without any religious instruction, though they need it badly. They are called upon to give evidence against their masters for the sake of a fellow brother. This duty they often shirk. Gradually, therefore, their faculty for adhering to the truth, under all circumstances, becomes perverted and they become helpless afterwards.

I submit that they are more the objects of pity than of contempt. And this view I ventured to place before the public in South Africa two years ago, and they have not excepted to it. The facts that the European firms in South Africa give hundreds of Indians large credit, practically on their word of honour, and have no cause to regret having done so, and that the Banks give Indians almost unlimited credit, while the merchants and bankers would not trust Europeans to that extent, conclusively prove that the Indian traders cannot be so dishonest as they are made out to be. I do not, of course, mean to convey that the European firms believe the Indians to

be more truthful than the Europeans. But I do humbly think that, while they would perhaps trust both equally, they rely upon the Indian's thrift, his determination not to ruin his creditor and his temperate habits. A Bank has been giving credit to an Indian to a very large extent. A European gentleman, known to the Bank and a friend of this Indian, wanted £300 credit for speculation. The Bank refused to give him credit without guarantee. The Indian friend pledged his honour, and that was all he had to pledge, and the Bank accepted that security, although, at the time, too, he was heavily in debt to the Bank. The result is, the European friend has failed to refund the £300 to the Bank, and the Indian friend, for the present, has lost the money. The European, of course, lives in a better style and requires some drink for his dinners, and our Indian friend drinks only water. The charges that we spend nothing and are immoral, i.e., more than those who bring the charges against us, we repudiate entirely. But the real cause is the trade jealousy, in the first instance, and want of knowledge about India and the Indians, in the second.

The hue and cry against the Indians was first raised by the traders and then taken up by the populace till, at last, the prejudice permeated the high and the low. This can be seen from the South African legislation affecting Indians. The Orange Free Staters have frankly stated that they hate the Asiatic, because he is a successful trader. The Chambers of Commerce in the different States were the first movers. And they, of course, came out with the statements that we believed the Christians a natural prey, and that we believed our women to be soulless and were propagators of leprosy and syphilis and other diseases. The matters have now reached such a stage that, for a good Christian gentleman, it is as natural to see nothing unjust in the persecution of the Asiatics, as it was in the olden days for the bona-fide Christians to

see nothing wrong or unchristian in slavery. Mr. Henry Bale is a legislator in the Natal Assembly, a typical English gentleman, and is dubbed Bale the conscientious, because he is a converted Christian and takes a prominent part in religious movements and brings his conscience often into play on the floor of the Assembly House. Yet, this gentleman is one of the most powerful and uncompromising opponents of Indians, and gives his certificate that an annual poll-tax of £3 on a body of men who have been the mainstay of the Colony, and compulsory return of such men, are just and humane measures.

Our method in South Africa is to conquer this hatred by love. At any rate, that is our goal. We would often fall short of that ideal, but we can adduce innumerable instances to show that we have acted in that spirit. We do not attempt to have individuals punished but, as a rule, patiently suffer wrongs at their hands. Generally, our prayers are not to demand compensation for past injuries, but to render a repetition of those injuries impossible and to remove the causes. Our grievances have been laid before the Indian public in the same spirit. If we have quoted instances of personal injuries, that we have done, not for the purpose of seeking compensation, but for that of laying our position vividly before the public in India. We are trying to remove any causes that may be in us for such treatment. But we cannot succeed without the sympathy and support of the public men in India, and without strong representations from the Home and Indian Governments. The want of knowledge about India is so great in South Africa that the people would not even believe us if we said that India is not dotted by huts only. The work done in our behalf by the London *Times*, the British Committee[1] of the Congress and by Mr. Bhownaggree, and in India by *The Times of India*, has borne

[1] Set up in London by the Indian National Congress; Sir Mancherji Bhownaggree was one of its principal members.

fruit already. Of course, the question of the position of the Indians has been treated as an Imperial question, and almost every statesman whom we have approached has expressed his full sympathy to us. We have letters of sympathy from both the Conservative and Liberal members of the House of Commons. The *Daily Telegraph* has also extended its support to us. When the Franchise Bill was first passed[1] and there was some talk of its disallowance, the public men and the newspapers in Natal said the Bill will be passed over and over again till Her Majesty's Government were tired. They rejected the British subject "humbug", and one paper went so far as to say that they would throw over their allegiance to the Queen if the Bill was disallowed. The Ministers openly declared that they would decline to govern the Colony if the Bill was disallowed. This was the time when the writer of the "Colonial Affairs" in the London *Times* favoured the Natal Bill. But the *Thunderer*, when it dealt with the matter, specially changed its tone. The Colonial Secretary seemed to be decisive and the despatch with reference to the Transvaal Arbitration arrived in time. This changed the whole tone of the Press in Natal. They protested but they were a part and parcel of the British Empire. *The Natal Advertiser*, which at one time proposed the formation of an anti-Asiatic League, thus dealt with the Indian question in a leading article, dated the 28th February, 1895. After alluding to the then reported disallowance of the Franchise Bill and the resolution of the Mayoral Congress in the Cape Colony before referred to, the article goes on:

> The problem, therefore, when looked at as a whole from the Imperial to the purely local standpoint, is a very large and complex one. But however prone localities may be to regard the subject simply from the local standpoint, it should be apparent to all who wish to study the matter in all its bearings (the only way in which

[1] On July 7, 1894; *vide* Vol. I, p. 115.

a sound and healthy judgment can be arrived at), that the wider or Imperial considerations must also be taken into account. And further, as regards the purely local aspect of the case, it is quite as necessary, and perhaps as difficult, to discover whether a comprehensive view of the position is being taken or whether imperfect opinions are being formed on one side or the other through the acceptance of only such data as prejudice or self-interest may find acceptable. The general opinion existing throughout South Africa, as regards Indian emigration, may be summed up in the words, "We don't want them."

The first point to be weighed is this that, in belonging to the British Empire, we have to take whatever may be evil as well as whatever may be good as arising from that connection, provided, of course, it is inseparable therefrom. Now, as regards the destinies of India's population, it may be taken for granted that the Imperial Government will not readily permit of legislation in any British dependency which has for its avowed object the repulsion of India's surplus population from any part of the British dominions; or, to put it the other way, which embodies the principle, so far as the particular legislating State is concerned, that India's teeming and fast increasing millions must be confined, and ultimately smothered, within India itself. On the contrary, the desire of the British Government is to remove from India the possibilities of such congestion, and to thereby render it a prosperous and happy, instead of a dangerous and discontented, portion of the British Empire. If India is to be retained as an advantageous part of the Empire, then it is absolutely necessary that means shall be found for relieving it of much of its present population, and it may be taken to be a part of the Imperial policy that India's surplus population is to be encouraged, rather than discouraged, to find fresh outlets in those other portions of the Empire which are in need of a labouring population. It will thus be seen that the question of coolie immigration into the British Colonies is one which reaches down to the deepest amelioration and salvation of India; it may even mean the inclusion or exclusion of that great possession in or from the British Empire. That is the Imperial aspect of the question, and is one which points directly to a desire on the part of the Imperial Government to do all in its power to prevent the raising, in other portions of the Empire, of barriers for the prevention of Indian immigration.

As regards the local aspect of Indian immigration, what has to be

considered is whether and if so, how far, does this Imperial policy conflict with what is desirable for this particular locality? There are those who absolutely condemn Indian immigration into this Colony, but it is doubtful whether these have given full consideration to all the bearings of the case. In the first place, those who so oppose Indian immigration have to answer the question: What would this Colony have done without them in those departments of industry in which they have undoubtedly proved useful? There is unquestionably much that is undesirable about the coolie, but before his presence here is condemned as an unmixed evil, it has to be shown that the Colony would have been better without him. This, we think, would be somewhat difficult to prove. There can be no question that the coolie is the best fitted, under existing local conditions, for the field labour required in connection with the agriculture of the Colony. Such work can never be undertaken in this climate by White men; our natives show little disposition or aptitude for it. This being so, who is ousted by the presence of the coolie as an agricultural labourer? No one. The work had either to be done by him or left undone altogether. Again, the coolie is largely employed by Government, especially on the railway. What is the objection to him there? It may be said he is taking the place of the White man there; but is he? There may be a few isolated cases in which this contention holds good, but it cannot for a moment be supposed that the Colony could afford to replace all the Indians employed in the Government service by White men. Further, the towns in Natal are almost entirely dependent for their supply of vegetables upon the coolies, who farm plots of ground in the vicinity. With whom does the coolie interfere in this direction? Certainly not with the White man. Our farmers, as a body, have not yet acquired a taste for kitchen gardening sufficient to keep the market fully supplied. Neither does he interfere with the native, who, being the incarnation of indolence, does not, as a rule, trouble about the cultivation of anything except mealies[1] for himself. Our own natives ought to have been our labouring class, but the fact has to be faced that, in this respect, they are almost a dead failure. Consequently, coloured labour of a more active and reliable kind had to be procured from some other source, and India has offered the necessary supply. The debt which the White man owes to these coloured labourers is this that they, by occupying the lowest stratum

[1] Maize or Indian Corn.

of society in those mixed communities of which they form a part, raise the White man one stratum higher right through the social scale than he otherwise would have occupied, had the menial offices been discharged by a European class. For instance, the White man, who is "boss" over a gang of coolies, would have had himself to form one of the gang of labourers, had there been no black labourer. Again, the man who, in Europe, would have been that man's foreman, in this country develops into a master tradesman. And as in every other direction, by the presence of a black labouring class, the Whites are set free to throw their efforts into higher planes than they could have done, had the majority of them had to devote their lives to the arduous labours of toilers of the lowest order. It will, therefore, probably yet be found that the removal of the drawbacks, at present incidental to the immigration of Indians into British Colonies, is not to be effected so much by the adoption of an obsolete policy of exclusion as by an enlightened and progressive application of ameliorating laws to those Indians who settle in them. One of the chief objections to Indians is that they do not live in accordance with European rules. The remedy for this is to gradually raise their mode of life by compelling them to live in better dwellings and by creating among them new wants. It will probably be found easier, because more in accord with the great onward movements of mankind, to demand of such settlers that they shall rise to their new conditions, than to endeavour to maintain the *status quo ante* by their entire exclusion.

Such articles (and they can be quoted by the dozen from the various newspapers) show that application of sufficient pressure from the Home Government can bring about a healthy change in the Indian policy of the Colonies, and that, even in the worst places, British love of justice and fair-play can be roused. These two are the sheet-anchor of our hope. No amount of spreading information about India on our part can do any good without the much-needed application of the pressure.

The following article, from the pen of a veteran journalist in South Africa, shows also that there are men in South Africa who would rise above their surroundings and disclose the true British character:

It sometimes happens in life that men are called upon to decide

decisively between the claims of justice and the claims of self. With men of honourable inclination, the task is, of course, a far heavier one than with men whose natures have long ago cast overboard any conscientious scruples with which they may have been endowed at the outset of their unlovely existence. From men who will puff rotten companies at the very moment they are selling out and individuals of a like character, it is, of course, perfectly absurd to expect any other result than that self will predominate, but with the average commercial man, justice is more often the victor in the ethical conflict. Amongst the causes of these conflicts, as they affect South Africans generally and British Transvaalers in particular, is the question of the 'coolie traders', as our Indian and Arab fellow citizens are designated. It is the position of these merchants, for so they really are, which has aroused so much attention and which is still productive of no little interest and hostility to this day. And, it is in considering their position that their rivals in trade have sought to inflict upon them, through the medium of the State, what looks, on the face of it, something very like an injustice for the benefit of self.

The outcry, which was raised in the capital of the Transvaal against the coolie trader some little time ago, is brought to the mind by occasional paragraphs in the morning papers regarding the doings of the Indian and Arab dealers.

In the face of such reminders as these, one may reasonably expect to be pardoned for referring, for a few moments, to a body of respectable, hard-working men, whose position is so misunderstood that their very nationality is overlooked, and a name labelled to them which tends to place them on an exceedingly low level in the estimation of their fellow-creatures. In the face, too, of financial operations, the success of which many of their detractors would envy, one fails to understand the agitation which would place the operators in the same category as the half-heathen native and confine them to locations and subject them to the harsher laws by which the Transvaal Kaffir is governed. The impression, which is but too prevalent both in the Transvaal and this Colony, that the quiet and altogether inoffensive 'Arab' shopkeeper, and the equally harmless Indian, who carries his pack of dainty wares from house to house, is a 'coolie', is due largely to an indolent ignorance as to the race whence they sprung. When one reflects that the conception of Brahminism, with its poetic and mysterious mythology, took its rise in the land of the 'coolie trader', that in that land, twenty-four

centuries ago, the almost divine Buddha taught and practised the glorious doctrine of self-sacrifice, and that it was from the plains and mountains of that weird old country that are derived the fundamental truths of the very language we speak, one cannot but help regretting that the children of such a race should be treated as the equals of the children of blank heathendom and outer darkness. Those who, for a few moments, have stayed to converse with the Indian trader, have been, perhaps, surprised to find they are speaking to a scholar and a gentleman. In the schools of Bombay, Madras, and even from under the very shadows of the Himalayas and from the plains of the Punjab, these unassuming individuals have drunk deep of the springs of knowledge, it may be, unsuited to our requirements, foreign to our taste, and savouring too much of the mythical to be of use in our practical lives, but, nevertheless, a knowledge the acquisiton of which requires as much application, as much literary application, and a far more sensitive and poetic nature than is required in the highest schools of Oxford or Cambridge. The philosophy of India, obscured by the dust of ages and the traditions of generations, was taught with delight, when the ancestors of the Superior Boer and the Superior Englishman were content to find their highest pleasures in the pursuit of the bear and the wolf over the marshes and through the forests of their native lands. When these same ancestors had had no thought of a higher life, when self-preservation was their first law, and the destruction of their neighbour's village and the capture of his wife and infant their keenest enjoyment, the philosophers of India had grown weary with a thousand years' conflict with the problems of existence. And it is the sons of this land of light who are despised as coolies and treated as Kaffirs.

It is about time that those, who cry out against the Indian merchant, should have pointed out to them who and what he is. Many of his worst detractors are British subjects enjoying all the privileges and rights of membership in a glorious community. To them the hatred of injustice and the love of fair-play is inherent, and when it affects themselves, they have a method of insisting upon their rights and liberties, whether under a foreign government or under their own. Possibly, it has never struck them that the Indian merchant is also a British subject and claims the same liberties and rights with equal justice. To say the very least of it, if we may be permitted to employ a phrase of Palmerston's days, it is very un-English to claim rights one would not allow to others.

> The right of trade as an equal privilege has, since the abolition of the Elizabethan monopolies, become almost a part of the English Constitution, and were any one to interefere with that right, the privilege of British citizenship would very suddenly come to the front. Because the Indian is more successful in competition and lives on less than the English merchant, is the unfairest and weakest of arguments. The very foundation of English commerce lies in the fact of our being able to compete more successfully with other nations. Surely, it is Protection running to madness when English traders wish the State to intervene to protect them against the more successful operations of their rivals. The injustice to the Indians is so glaring that one is almost ashamed of one's countrymen in wishing to have these men treated as natives, simply because of their success in trade. The very reason, that they have been so successful against the dominant race, is sufficient to raise them above that degrading level. (*Cape Times*, 13-4-1889)

The question resolves itself into this: "May the British Indians when they leave India", in the words of the London *Times*, "have the same status before the law as other British subjects enjoy? May they or may they not go freely from one British possession to another and claim the rights of British subjects in allied States?" Says the same journal again:

> The Indian Government and the Indians themselves believe that it is in Southern Africa that this question of their status must be determined. If they secure the position of British subjects in South Africa, it will be almost impossible to deny it to them elsewhere. If they fail to secure that position in South Africa, it will be extremely difficult for them to attain it elsewhere.

Thus, then, the decision of the question will affect not only the Indians at present settled in South Africa but the whole future emigration of Indians and, also, the position of Indian immigrants in other parts of Her Majesty's Dominions and allied States. In Australia they are endeavouring to pass laws to restrict the influx of Indians in those parts. Temporary and local relief, while absolutely necessary for the cases now before the two Governments for consideration, will be of no avail, unless the whole question is decided once for all, for "the whole body is rotten and not parts only." Mr. Bhownaggree has questioned Mr. Chamberlain

"whether he will take immediate steps to arrest legislation of this description by the Government of Natal and other parts of Her Majesty's Dominions in Africa". There may yet be laws and regulations besides what have been alluded to herein and which may not be known to us. Unless, therefore, all such past legislation is declared illegal and further legislation stopped, we have a very dismal outlook before us, for the struggle is unequal, and how long are we to go on troubling the Colonial Office and the Indian Government? *The Times of India* has been our advocate when we were almost without any. The British Committee of the Congress has always worked on our behalf. The powerful aid of the London *Times* has, by itself, raised us a step higher in the estimation of the South Africans. Mr. Bhownaggree has been incessant in his efforts on our behalf ever since he entered Parliament. We know we have the sympathy of the public bodies in India, but our object in laying our grievances specially before the Indian public is to enlist the very active sympathy of all the public bodies in India. That is my commission, and our cause is so great and just that I have no doubt I shall return to Natal with a satisfactory result.

Rajkot, Kathiawar M. K. GANDHI
14th August, 1896

PS. If any gentleman is anxious to study further the Indian question in South Africa and requires the various memorials referred to herein, an effort will be made to supply him with copies of the same.

M. K. G.

From a copy printed at the Price Current Press, Madras, 1896, second edition, the first edition not being available.

GANDHIJI'S CREDENTIALS[1]

We, the undersigned, representing the Indian Community

[1] This document formed the last page of the Green Pamphlet and was probably drafted by Gandhiji. He refers to it in the opening paragraph of the Pamphlet (*vide*, p. 1, *supra*) and in his speeches at the Bombay and Madras meetings (*vide* p. 70 and p. 94, *infra*).

in South Africa, hereby appoint M. K. Gandhi, Esq., of Durban, Advocate, to represent the grievances the Indians are labouring under in South Africa before the authorities and public men and public bodies in India.

Dated at Durban, Natal, this 26th day of May 1896.

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મહમદ સુલેમાન ખોટા સહી
CHOOHURMAL LUCHERAM
NARAYAN PATHER
VIJAYA RAGAVALOO
SULIMAN DAWJEE

2. NOTES ON THE GRIEVANCES OF THE BRITISH INDIANS IN SOUTH AFRICA

These Notes *were published by Gandhiji to provide a brief constitutional background of Natal, the Cape Colony, the Transvaal, the Chartered Territories and the Orange Free State, and to give a succinct idea of Indian grievances against discriminatory legislation and legal disabilities. Gandhiji considered the* Notes *as necessary "for a proper study of the whole question" and an "aid to the study of the memorials and pamphlets which contain valuable information collected from various sources."* (Vide p. 69, infra). *These were enclosed with the* Notes, *but have not been reproduced here as the text of all those available has been published in Vol. I in their chronological sequence. Hence, the bare text of the* Notes *is being given.*

RAJKOT,
September 22, 1896

South Africa, for our purposes, consists of the two British Colonies of the Cape of Good Hope and Natal, the two Republics, viz., the South African Republic or the Transvaal and the Orange Free State, the Crown Colony of Zululand, the Chartered Territories and the Portuguese territories comprising Delagoa Bay or Lorenzo Marques and Beira.

NATAL

Natal is a British self-governing Colony enjoying Responsible Government since 1893 A.D. Before September of 1893, Natal was a Crown Colony having a Legislative Council of 12 elective and 4 executive members, with a Governor representing the Queen, a Constitution not very unlike the Indian Legislative Councils. In 1893, Responsible Government was granted, whereby an upper and a lower chamber were created. The upper chamber, called the

Legislative Council, consists of 11 members nominated by His Excellency the Governor of the Colony, and the lower chamber, styled the Legislative Assembly, consists of 37 members elected by the Colonists possessing the legal qualifications to be hereafter described. There is a movable ministry of five members based on the model of the British Cabinet. Sir John Robinson is the present Prime Minister and the Honourable Mr. Harry Escombe Q.C., the present Attorney-General.

The Constitution Act provides that no Acts, which have for their object class legislation and which curtail the rights of non-European British subjects, shall have the force of law unless they are sanctioned by Her Majesty. The Royal instructions to the Governor also include such prohibitory clauses.

Natal has an area of 20,851 square miles and a European population of about 50,000, a native population of about 400,000, and an Indian population of about 51,000, according to the latest census. The 51,000 Indians include 30,000 free Indians, i.e., those that have finished their indentured service and are engaged in the Colony in various pursuits of life as household servants, petty farmers, vegetable hawkers, fruiterers, goldsmiths, artisans, petty store-keepers, school-masters, photographers, attorneys' clerks etc., 16,000 who are at present serving their indenture, and 5,000 traders who came to the Colony on their own means and are either traders or shop-keepers' assistants, the trade consisting in soft goods suitable to the natives of South Africa, called Zulus or Kaffirs, hardware, soft goods and groceries suitable to the Indian population. The soft goods and groceries for the Indians are imported from Bombay, Calcutta and Madras. The free and indentured Indians come from Madras and Calcutta and are pretty equally divided. Indian emigration was resorted to when, as a member of the Legislative Assembly of Natal, Mr. Garland, says "the existence of the Colony

hung in the balance." The terms of the contract briefly are that the indentured man has to serve his employer for a period of 5 years, the monthly wages for the first year being £10, to be increased by £1 every succeeding year, with food, clothing and lodging during the period and the passage to Natal also paid by the employer. If, after the first five years, he serves in the Colony as a free labourer for another five years, he becomes entitled to a free passage back to India for himself, his wife and children, if any. The immigrants are imported to work on the sugar fields and tea estates and replace the Kaffirs who were found by the Colonists to be indifferent and unsteady. They are also largely employed by the Government on the Railways and for the sanitation of the Colony. The Colonists at first assisted the sugar and tea-industries of the Colony by granting Rs. [£?] 10,000 towards the cost of the importation of the Indian immigrants. Almost the first act of the Responsible government was to abolish this grant under the plea that the industries no longer required such support.

1ST GRIEVANCE IN NATAL—FRANCHISE

The Royal Charter, dated the 15th July 1850, provides that any adult male, not being a native of South Africa, possessing property to the value of £50 or who rents any such property of the yearly value of £10, shall be entitled to be placed on the Voters' Roll. There is a separate law governing the Native Franchise which requires, among other things, 12 years' residence on the part of the Native in a particular electoral district and exemption from the native law of the Colony.

Under the general franchise law of the Colony, i.e, the Royal Charter referred to above, the Indians as British subjects enjoyed full electoral rights till after 1893. In 1894, in the Second Parliament under the Responsible Government, an Act was passed, No. 25 of 1894, disqualifying persons

of Asiatic extraction from having their names inserted in any Voters' List, exempting those whose names were then already rightly contained in any Voters' List. The preamble of the Act stated that such persons were not accustomed to the Franchise rights.

The real reason for passing such an Act was to lower the status of the Indian and gradually to bring him down to the level of the South African Natives so that, in time to come, the respectable Indian may become an impossibility. A petition was presented to the Legislative Assembly combating the view that the Indians were not accustomed to representative institutions and asking for the withdrawal of the Bill, or an enquiry as to whether or not the Indians were fit to exercise the franchise. (Enclosure I, App. A).[1]

The petition was rejected. Another was sent to the Legislative Council when the Bill came before it. That too was rejected and the Bill was passed. (Enclosure I, App. B).[2]

It, however, required Her Majesty's sanction before it could come into force. The Indian community sent a memorial to Her Majesty's Principal Secretary of State for the Colonies, protesting against the measure and requesting him either to disallow the measure or to institute an inquiry of the nature above indicated. The memorial was signed by nearly 9,000 Indians. (Enclosure I).[3]

A good deal of correspondence went on between Her Majesty's Government and the Natal Ministry. The result was that in the April of this year, the Franchise Act was withdrawn by the Natal Ministry and replaced by the following:

> No persons shall be qualified to have their names inserted in any list of electors who (not being of European origin) are natives or

[1] *Vide* Vol. I, pp. 92-6.
[2] ibid, pp. 103-5.
[3] ibid, pp. 116-28.

descendants in the male line of natives of countries which have not hitherto possessed elective representative institutions founded on the parliamentary franchise, unless they shall first obtain an order from the Governor-in-Council exempting them from the operation of this Act.

The measure also excepts those whose names are already rightly contained in any Voters' Lists.

A memorial was presented to the Legislative Assembly, showing that India contained, in its Legislative Councils, "elective representative institutions founded on the parliamentary franchise" and that, therefore, the Bill was a harassing measure. (Enclosure II, App. A).[1] Though our institutions cannot popularly be termed such as to satisfy the requirement of the above measure, it is respectfully submitted that legally they are so, and this is the opinion of the London *Times*, as also of an able jurist in Natal. (Enclosure III, p. 11).[2] Mr. Chamberlain himself, in his despatch dated 12th September, 1895,[3] signifying his inability to approve of the first Franchise Bill above referred to, in answer to the Natal Ministers' arguments, says, among other things:

I also recognize the fact that the Natives of India do not possess representative institutions in their own country and that they themselves, in those periods of their history when they were exempt from European influence, have never set up any such system among them. (Enclosure IV).

A memorial has been sent to Mr. Chamberlain (Enclosure II),[4] and private advice from London states that the matter is engaging his attention. Mr. Chamberlain has already approved of the principle of this Bill which was submitted to him by the Ministers, before it was introduced into the Natal Parliament. (Enclosure IV). The Indians in South Africa, however, believe that the facts

1 *Vide* Vol. I, pp. 312-20.

2 The reference is to the Green Pamphlet; *vide* p. 16, *supra*.

3 The photostat has 1885, obviously a typographical mistake.

4 *Vide* Vol. I, pp. 324-45.

brought out in the memorial should induce Mr. Chamberlain to alter his views.

Too much stress cannot be laid on the fact that there can be no comparison between the condition of the Indians in India and that of those in South Africa. Here it is political persecution and very little class legislation. There it is class legislation pure and simple and degradation of the Indian to the level of a pariah.

The London *Times* has put the franchise question in this form, in dealing with the first Bill above referred to:

> The question now put before Mr. Chamberlain is not an academic one. It is not a question of argument but of race feeling. We cannot afford a war of races among our own subjects. It would be as wrong for the Government of India to suddenly arrest the development of Natal by shutting all the supply of immigrants as it would be for Natal to deny the right of citizenship to British Indian subjects who, by years of thrift and good work in the Colony, have raised themselves to the actual status of citizens. (London *Times*, 27th June, 1896).

This article deals with the various arguments brought forward by the Colonists in support of disfranchisement of the Indians and shows that there is no question of swamping the European electors, because, out of nearly 10,000 electors, according to latest lists published, there are only 251 Indian electors and that there are very few Indians in the Colony who can command the necessary property qualifications. (See Enclosure V).[1] The present Bill is meant merely to harass the Indian community and to involve them in endless litigation. (Enclosure II).

2ND GRIEVANCE—INDIAN IMMIGRATION

In the year 1893, a Commission consisting of Mr. Binns, a member of the Legislative Assembly of Natal, and Mr. Mason, the present Protector of Indian Immigrants

[1] This enclosure contained the Viceroy's despatch referred to in the following pages.

in Natal, was sent by the Government of Natal to India in order to induce the Indian Government to consent to the following alterations in the terms of indenture entered into by the Indians at present and referred to above, that is to say:

(1) To raise the period of indenture from five years to an indefinite period, with a corresponding increase in wages up to twenty shillings per month.

(2) In the event of the Indian refusing to enter into such further indentures after the first five years' indenture, to compel him to return to India at the Colony's expense.

The present Viceroy, in his despatch to the Governor of Natal, says that, although personally he regrets that such a course should be desired by the Colonists, subject to the approval of the Home Government he would be prepared to consent to the alterations on the understanding that the breach of the clause about compulsory return should never become a criminal offence. (Enclosure V).[1]

On the lines of the report of the Commission that visited India, the Natal Government, in the year 1895, introduced the Indian Immigration Law Amendment Bill, which provides, amongst other things, for the indefinite period of indenture or the compulsory return of the immigrants, and further provides that any such immigrant failing to enter into the further terms of indenture or to return to India shall be liable to take out an annual license costing £3 yearly. Thus it would appear that this Bill goes further than the terms laid down in the Viceroy's despatch above alluded to. Memorials were presented to both the Houses in Natal taking exception to this Bill but to no purpose. (Enclosure V, App. A[2] and B[3]). A memorial has also been addressed to Mr. Chamberlain as well as

[1] *Vide* footnote 1 at p. 58.
[2] *Vide* Vol. I, pp. 176-9.
[3] ibid, pp. 212-4.

to the Indian Government praying either that the Bill should be disallowed or that further Indian immigration to Natal should be stopped. (Enclosure VI).[1] These prayers have been strongly supported by the London *Times* in a leading article dated 3-5-95 [96?].

Over ten years ago, a Commission was appointed by the then Governor of Natal to report upon various matters connected with Indian immigration. Evidence has been cited from this report to show that, at that time, the Commissioners as well as the best men of the day, including the present Attorney-General, thought that any such measure would be a cruel wrong to the Indians and a disgrace to the British name.

The memorial is still engaging Mr. Chamberlain's and the Indian Government's attention. (Enclosure VI).

3RD GRIEVANCE—THE CURFEW

There is a Law in Natal (No. 15 of 1869), which provides that, in the boroughs, no 'coloured person', unless he can give a good account of himself or unless he can produce a pass from his employer, shall be out at night after 9 o'clock. This Law is, perhaps, not absolutely unnecessary, but its working is often oppressive. Respectable Indians, such as schoolmasters and others, have often been locked up in horrible dungeons for having ventured out after 9 p.m., no matter on what business.

4TH GRIEVANCE—THE PASS LAW

The Law provides that every Indian can be asked to produce a pass. It is really meant to detect indentured Indians who have deserted their masters, but is also used as an engine of oppression towards the Indians generally. The Indian community in Natal have not yet moved with regard to the last two matters, but they may be

[1] *Vide* Vol. I, pp. 215-27, and pp. 228-30.

brought under the general grievances and can be used to show the tendency of the Colonists to make it as uncomfortable as possible for the Indians in Natal. As for the working of those two Laws, see Enclosure III, pp. 6 and 7.[1]

Zululand

This country is a Crown Colony governed by the Governor of Natal in the Queen's name. The Natal ministry or the Governor of Natal as such has nothing to do with Zululand. There is a small European and large native (Kaffir) population in it. There are townships established in Zululand. The township of Melmoth was the first to be established. In that township, in the year 1888, the Indians bought *erven*, i.e., specified pieces of land, worth about £2,000. The township of Eshowe was proclaimed in 1891 and that of Nondweni in 1896. The regulations for the purchase of *erven* in both these townships are the same and they provide that only persons of European birth and descent shall be approved of as occupiers of *erven* or sites. (Enclosure VII).[2]

A memorial[3] protesting against these regulations was presented to the Governor of Zululand last February, who declined to interfere.

Thereupon a memorial[4] was sent to Mr. Chamberlain, and the question is now engaging his attention. These regulations, it will be noticed, go much further than what the Colonists in the self-governing Colonies have been allowed to do, and follow the policy of total exclusion adopted by the Orange Free State.

Zululand gold mining laws make it criminal for an Indian to buy or possess native gold.

[1] *Vide* pp. 9-12, *supra*.
[2] The enclosure is not available.
[3] *Vide* Vol. I, pp. 292-4.
[4] ibid, pp. 303-7.

Cape Colony

The Colony of the Cape of Good Hope is, like the Colony of Natal, a responsibly governed Colony with a Constitution similar to Natal's. Only, the Legislative Assembly and the Legislative Council contain a greater number of members, and the franchise qualifications are different, viz., the property qualification is occupation for 12 months of a building worth £75, the salary qualification is £50 per annum. The person claiming to be registered must be able to sign his name and write his address and occupation. This Act was passed in 1892 and was really passed to check the Indian and the Malay vote. There would be no objection on the part of the Indian community to such educational qualifications being imposed or property qualifications being increased in Natal. This Colony contains an area of 276,320 square miles and a total population of about 1,800,000 persons, of whom not more than 400,000 are Europeans. The Indian population of the Colony would be roughly 10,000, consisting of traders, hawkers and labourers. They are to be found chiefly in the ports, viz., Port Elizabeth, East London and Cape Town and also in the mines in Kimberley.

All the information relating to the disabilities placed on the Indians is not available. In 1894, the Parliament passed a Bill authorising the East London Municipality to frame bye-laws prohibiting the Indians from walking on the footpaths and compelling them to live in specified locations. No special representation on this head has been made to Mr. Chamberlain from South Africa. But the matter was touched upon by the Indian deputation that waited upon Mr. Chamberlain last year.

In the various parts or districts of the Cape Colony, it is extremely difficult for an Indian to get trading licenses. In many cases the Magistrates simply refuse the licenses, declining to give reasons for so doing. The

Magistrates are within their rights in declining to give reasons, but it has been found almost invariably that the licenses have been granted to Europeans when they have been withheld from the Indians. The following is the position of the Indians in East Griqualand, a district in the Cape Colony, according to *The Natal Mercury* dated 3rd March 1896:

> An Arab named Ismail Suliman erected a store in East Griqualand, paid customs duty upon goods and applied for a license which the Magistrate refused. Mr. Attorney Francis on the Arab's behalf (as the Indians are sometimes called in South Africa) appealed to the Cape Government, who upheld the Magistrate and have issued instructions that no coolies or Arabs are to have trading licenses in East Griqualand and one or two that have licenses are to be closed up.

This is outdoing the Transvaal.

Chartered Territories

These territories include Mashonaland and Matabeleland. About 100 Indian waiters and labourers have settled there. A few traders have also gone, but they are refused licenses to trade, in the first instance. The law being in favour of the Indians, one enterprising Indian last year succeeded in securing a trading license through the Superior Court at Cape Town.

The Europeans in the Chartered Territories have now applied for an alteration of the law so that the Indians may, henceforth, be prevented from getting trading licenses in those territories. The newspapers in South Africa say that the Cape Government favour such an alteration.

The Transvaal or the South African Republic

This is an independent Republic governed by the Dutch or the Boers. There are two chambers called the Volksraad, with an executive Government with the President at the head. It contains an area of about 113,642

square miles and a white population 119,228. Its black population is said to be 653,662. The chief industry of the Republic is gold mining in Johannesburg, the largest town in the Transvaal. The total Indian population may be roughly put down at 5,000. They are traders, shop-keepers' assistants, hawkers, cooks, waiters or labourers, mostly settled in Johannesburg and Pretoria, the capital of the Republic. Of the traders, there are nearly 200, whose liquidated assets would amount to nearly £100,000. Some of these traders have branches in other parts of the world whose existence mainly depends upon their Transvaal businesses. There are nearly 2,000 hawkers in the Republic who buy goods and hawk them about. About 1,500 are employed as general servants in European hotels or houses. This estimate was formed in 1894. The numbers have since considerably increased in every department.

The Transvaal is subject to the Queen's suzerainty. There are two Conventions between the Governments of England and the Transvaal.

Article 14 of the London Convention of 1884 and the Article 26 of the Pretoria Convention of 1881 provide as follows:

> All persons, other than natives of South Africa, conforming themselves to the laws of the Transvaal State will have full liberty with their families to enter, travel or reside in any part of the Transvaal State. They will be entitled to hire or possess houses, manufactories, warehouses, shops, premises. They may carry on their commerce either in person or by any agents they may think fit to employ. They will not be subject, in respect of their persons and property, in respect of their commerce and industry, to any taxes, whether general, or local, other than those which are or may be imposed upon the Transvaal citizens.

This Convention, thus, completely secures the trading and property rights of British Indians. In January 1885, the Transvaal Government wanted so to interpret the word "natives", occurring in the Art. 14 of the Convention, as

to include Asiatics. Sir Hercules Robinson, the then High Commissioner for South Africa, after consultation with Sir Henry de Villiers, the Chief Justice of the Colony, considered that the interpretation put upon the word "native" by the Transvaal Government could not be sustained and "that Asiatics were persons other than natives".

Negotiations then went on between the Transvaal Government and the Home Government with a view to an alteration in the Convention so as to except the Indians from the privileges secured to "all persons other than natives". Sir Hercules Robinson was favourably disposed towards the Transvaal Government and, in response to his suggestion, received the following reply from Lord Derby under date 19th March 1885:

> I have carefully considered your suggestion as to the amendment of the Convention, and if you are of opinion that it would be preferable and more satisfactory to the Government of the South African Republic to proceed as you propose, Her Majesty's Government will be willing to amend the Convention as suggested. It seems to deserve consideration, however, whether it would be more correct for the Volksraad to legislate in the proposed sense, having received an assurance that Her Majesty's Government will not desire to insist upon any such construction of the terms of the Convention as would interfere with reasonable legislation in the desired direction.

In accordance with Lord Derby's suggestion, the Transvaal Volksraad passed bye-law No. 3 of 1885, which applies to all Indians and other coloured people, and provides that none of them could obtain the franchise, that they could not be owners of fixed property, that such coloured people, who settle in the Republic for the purpose of trading, must be separately registered within 8 days after the day of their arrival and that they should pay a registration fee of £25. Any contravention of this law subjects the defaulter to a fine of from £30 to £100 or, in default, from 1 to 6 months' imprisonment. It also provides that the Government shall have the right

to point out to such coloured people streets, wards and locations for habitation. In 1886, this law was amended so as to reduce the £25 fee to £3 and the other sections were kept as they were. That now is the law with regard to the Indians in the Transvaal. After the law was passed, the Indians sent representations, telegraphic and otherwise, to the Indian and the Home Governments protesting against the Law 3 of 1885 and its amendment and pointing out that they were in direct violation of the London Convention. This brought out some representations from Lord Knutsford on behalf of the Indians. There has been voluminous correspondence between the two Governments with regard to the interpretation of the word 'habitation'. The Home Government insisted that the word 'habitation' meant residence only. The Transvaal Government insisted that it included not only residence but trading stores also. The ultimate result was that the whole became "confusion worse confounded", and it was agreed between the two Governments that the question of the validity of the Law 3 of 1885 and its amendment, as also interpretation, should be submitted to arbitration. The Chief Justice of the Orange Free State was selected as the sole arbitrator who gave his award last year and decided that the Transvaal Government was justified in passing Law 3 of 1885 and its amendments, but he left undecided the question of interpretation and held that, if the parties could not agree to interpretation, the Courts of the Transvaal were the proper tribunals to decide that question. (Enclosure VIII).[1]

The Indians in the Transvaal sent memorials[2] to the Home and Indian Governments. Mr. Chamberlain has given his decision and has reluctantly accepted the award of the arbitrator, but sympathizes with the Indians and terms them "a peaceable, law-abiding, meritorious body of persons"

1 This was, probably, the Arbitrator's award.

2 *Vide* Vol. I, pp. 187-208 and pp. 209-12.

whose undoubted industry, intelligence and indomitable perseverance perhaps will suffice to overcome any obstacles which may now face them in the pursuit of their avocations, and reserves to himself the liberty, later on, to make friendly representations to the Transvaal Government.

The question rests there at present. Although the award has been accepted, it will have been seen from what has preceded that there are many questions still undecided. Where will the Indians be now in the Transvaal? Will their stores be closed up? If so, what will 200 or 300 traders do to earn a living? Will they have to trade also in locations? This, however, does not complete the list of disabilities in the Transvaal.

Act. 25, (10th January 1893), section 38 says:

> That it is not permitted to natives and other coloured people to travel in the carriage intended for the Whites, viz., the first and second class.

The most respectable Indian, spotlessly dressed, cannot, as of right, travel first or second class on the Transvaal Railways. He is huddled together with the natives of all sorts and conditions in a third-class compartment. This is a cause of very great inconvenience to the Indian community in the Transvaal.

There is a system of passes in the Transvaal which requires that any Indian, like the native, should take a shilling travelling pass when he moves about from one place to another.

In 1895, the Commandos Treaty was entered into between Her Majesty's Government and the Transvaal Government, exempting British subjects from compulsory military service. This treaty came up before the Transvaal Volksraad for ratification in the same year.

The Volksraad ratified the treaty with the modification or reservation that the words "British subjects" shall mean "Whites" only. The Indians promptly telegraphed to Mr. Chamberlain and a memorial was also sent.

(Enclosure IX).[1] The question is now engaging his attention.

The London *Times* gave a very sympathetic and strong leading article on the subject. (Weekly Edn. 10-1-'96).

The Gold Mining laws of Johannesburg make it criminal for the Indians to possess native gold.

The curfew prevails also in the Transvaal, absolutely unnecessarily, so far as the Indians are concerned.

It may be as well to state here that those who wear the Memon costume are not, as a rule, molested under this Law, for certain reasons. (Enclosure III p. 6).

There is a footpath bye-law in Johannesburg and there are instructions issued to the police in Pretoria to the effect that the Indians should not be allowed to walk on the footpaths. A graduate of the Madras University was violently kicked off a footpath in 1894.

ORANGE FREE STATE

This is an independent Dutch Republic without any suzerain power to the Queen.

The Constitution is very similar to that of the Transvaal. Mr. Steyn is the President of the Republic and Bloemfontein is the capital. Its area is 72,000 square miles and the total population 207,503. Of these the Europeans number 77,716, and the coloured population 129,787. There are a few Indians employed there as general servants. In 1890, there were about 3 Indian stores in that Republic having liquidated assets over £9,000. These were driven out and their stores were closed up without any compensation. They were given a year's notice to clear. Representations were made to the British Government without any avail.

The Law of 1890, Chapter XXXIII, which is entitled the Law to prevent the inrush of the Asiatic coloured persons, prevents any Indian from remaining in that country for more than 2 months, unless he gets the permission

[1] *Vide* Vol I, pp. 254-6.

from the President of the Republic, who cannot consider the application to reside before 30 days have elapsed after the presentation of the application and other ceremonies have been performed. The applicant can, however, on no account hold fixed property in the State or carry on any mercantile or farming business. The President may or may not, according to the state of things, grant such mutilated permission to reside. Any Indian resident moreover is subject to an annual poll-tax of £10. The first contravention of the section relating to mercantile or farming business renders the delinquent liable to a fine of £25 or 3 months' imprisonment with or without hard labour. For all subsequent contraventions, the penalty is to be each time doubled. (Enclosure X).[1]

This practically finishes the list of grievances.

These notes are not intended to replace the various enclosures. It is respectfully submitted they are necessary for a proper study of the whole question. In fact these notes are an aid to the study of the memorials and pamphlets which contain valuable information collected from various sources.

The whole question has been thus put by the London *Times*:

> May the British Indians, when they leave India, have the same status before the law as other British subjects enjoy? May they or may they not go freely from one British possession to another and claim the rights of British subjects in allied States?

Again:

> The Indian Government and the Indians themselves believe that it is in Southern Africa that this question of their status must be determined. If they secure the position of British subjects in South Africa, it would be almost impossible to deny it to them elsewhere. If they fail to secure that position in South Africa, it will be extremely difficult for them to attain it elsewhere.

The question has been treated as an imperial question and all parties without distinction have supported the British

[1] This probably was the text of the Law of 1890.

Indians in South Africa.

The following are the dates of the articles[1] dealing with the question in the London *Times*:

28th June 1895	Weekly Edition.
3rd August 1895	" "
13th September 1895	" "
6th September 1895	" "
10th January 1896	" "
7th April 1896	*The Times*
20th March 1896	Weekly Edition
27th January 1896	*The Times*

In the Portuguese territories of Delagoa Bay there are no grievances. They serve as a favourable contrast (Enclosure III).

M. K. GANDHI

From the photostat of a printed copy: S. N. 1145.

3. ADDRESS IN BOMBAY

Gandhiji delivered an address on the grievances of South African Indians at a public meeting held at the Framji Cowasji Institute in Bombay under the auspices of the Bombay Presidency Association on September 26, 1896, the Hon. Sir Pherozeshah M. Mehta presiding. The printed leaflet, carrying the address, not being available, the following has been compiled from extracts published in The Times of India *and from additional material found in the* Bombay Gazette's *report of the address.*

September 26, 1896

I stand before you, today, as representing the signatories to this document[2], who pose as representatives of the 1,00,000

[1] They were leaders written by *The Times.*

[2] The reference is to Gandhiji's "Credentials", printed at p. 51, *supra.*

British Indians at present residing in South Africa — a country which has sprung into sudden prominence owing to the vast gold fields of Johannesburg and the late Jameson Raid. This is my sole qualification. I am a person of few words. The cause, however, for which I am to plead before you this evening is so great that I venture to think that you will overlook the faults of the speaker or, rather, the reader of this paper. The interests of 1,00,000 Indians are closely bound up with the interests of the 300 millions of India. The question of the grievances of the Indians in South Africa affects the future well-being and the future immigration of Indians of India. I, therefore, humbly venture to think that this question should be, if it is not already, one of the questions of the day in India. With these preliminary remarks, I shall now place before you, as shortly as possible, the whole position of affairs in South Africa as affecting the British Indians in that country.

South Africa, for our present purposes, is divided into the following States: the British Colony of the Cape of Good Hope, the British Colony of Natal, the British Colony of Zululand, the Transvaal or the South African Republic, the Orange Free State, the Chartered Territories or Rhodesia, and the Portuguese Territories of Delagoa Bay and Beira.

In South Africa, apart from the Portuguese Territories, there are nearly 1,00,000 Indians, of whom the greater part belong to the labouring class, drawn from the labouring population of Madras and Bengal, speaking the Tamil or Telugu and the Hindi languages respectively. A small number belongs to the trading class, chiefly drawn from the Bombay Presidency. A general feeling throughout South Africa is that of hatred towards Indians, encouraged by the newspapers and connived at, even countenanced by, the legislators. Every Indian, without exception, is a coolie in the estimation of the general body of the Europeans. Store-keepers are "coolie store-keepers". Indian clerks

and school-masters are "coolie clerks" and "coolie school-masters". Naturally, neither the traders nor the English-educated Indians are treated with any degree of respect. Wealth and abilities in an Indian count for naught in that country except to serve the interests of the European Colonists. We are the "Asian dirt to be heartily cursed". We are "squalid coolies with truthless tongues". We are "the real canker that is eating into the very vitals of the community". We are "parasites, semi-barbarous Asiatics". We "live upon rice and we are chokeful of vice". Statute books describe the Indians as belonging to the "aboriginal or semi-barbarous races of Asia", while, as a matter of fact, there is hardly one Indian in South Africa belonging to the aboriginal stock. The Santhals of Assam will be as useless in South Africa as the natives of that country. The Pretoria Chamber of Commerce thinks that our "religion teaches us to consider all women as soul-less and Christians a natural prey". According to the same authority, "the whole community in South Africa is exposed to the dangers engendered by the filthy habits and immoral practices of these people." Yet, as a matter of fact, there has happened not a single case of leprosy amongst the Indians in South Africa. And Dr. Veale of Pretoria thinks that "the lowest class Indians live better and in better habitations and with more regard to sanitation than the lowest class Whites", and he, furthermore, puts on record that "while every nationality had one or more of its members at some time in the lazaretto, there was not a single Indian attacked."

In most parts of South Africa, we may not stir out of our houses after 9 p.m. — unless we are armed with passes from our employers. An exception, however, is made in favour of those Indians who wear the Memon costume. Hotels shut their doors against us. We cannot make use of the tram-cars unmolested. The coaches are not for us. Between Barberton and Pretoria in the Transvaal, and

Johannesburg and Charlestown, when the latter were not connected by railway, the Indians, as a rule, are and were not allowed to sit inside the coaches, but are and were compelled to take their seats by the side of the driver. This, on a frosty morning in the Transvaal, where winter is very severe, is a sore trial apart from the indignity which it involves. The coach-travelling involves long journeys and, at stated intervals, accommodation and food are provided for passengers. No Indian is allowed accommodation or a seat at the dining table in these places. At the most, he can purchase food from behind the kitchen-room and manage the best way he can. Instances of untold miseries suffered by the Indians can be quoted by hundreds. Public baths are not for the Indians. The High Schools are not open to the Indians. A fortnight before I left Natal, an Indian student applied for admission to the Durban High School and his application was rejected. Even the primary schools are not quite open to the Indians. An Indian Missionary school-master was driven out of an English Church in Verulam, a small village in Natal. The Government of Natal have been pining to hold a "coolie conference", as it has been officially called, in order to secure uniformity in Indian legislation throughout South Africa, and in order to present a united front against the blandishments of the Home Government on behalf of the Indian. Such is the general feeling against the Indian in South Africa, except the Portuguese Territories, where he is respected and has no grievance apart from the general population. You can easily imagine how difficult it must be for a respectable Indian to exist in such a country. I am sure, gentlemen, that if our President went to South Africa, he would find it, to use a colloquial phrase, "mighty hard" to secure accommodation in a hotel, and he would not feel very comfortable in a first-class railway carriage in Natal, and, after reaching Volksrust, he would be put out unceremoniously from his first-class compartment and

accommodated in a tin compartment where Kaffirs are packed like sheep. I may, however, assure him that if he ever came to South Africa, and we wish our great men did come to these uncomfortable quarters, if only to see and realize the plight in which their fellow-countrymen are, we shall more than make up for these inconveniences, which we cannot help, by according him a right royal welcome, so united, so enthusiastic we are, at any rate for the present. Ours is one continual struggle against a degradation sought to be inflicted upon us by the Europeans, who desire to degrade us to the level of the raw Kaffir whose occupation is hunting, and whose sole ambition is to collect a certain number of cattle to buy a wife with and, then, pass his life in indolence and nakedness. The aim of the Christian Governments, so we read, is to raise people whom they come in contact with or whom they control. It is otherwise in South Africa. There, the deliberately expressed object is not to allow the Indian to rise higher in the scale of civilization but to lower him to the position of the Kaffir; in the words of the Attorney-General of Natal, "to keep him for ever a hewer of wood and drawer of water", "not to let him form part of the future South African nation that is going to be built"; in the words of another legislator in Natal, "to make the Indian's life more comfortable in his native land than in the Colony of Natal". The struggle against such degradation is so severe that our whole energy is spent in resistance. Consequently, we have very little left in us to attempt to make any reforms from within.

I must now come to the particular States and show how the Governments in the different States have combined with the masses to persecute the Indians to make "the British Indian an impossibility". The Colony of Natal, which is a self-governing British Colony with a Legislative Assembly consisting of 37 members elected by the voters, and a Legislative Council consisting of twelve members nominated by the Governor, who comes from England as

the Queen's representative, has a European population of 50,000, a native or Zulu population of 400,000, and an Indian population of 51,000. Assisted immigration of Indians was decided upon in 1860, when, in the words of a member of the Legislative Assembly of Natal, "the progress and almost the existence of the Colony hung in the balance", and when the Zulu was found to be too indolent to work. Now the chief industries and sanitation of the whole Colony of Natal are entirely dependent upon the Indian labour. The Indians have made Natal "the garden of South Africa". In the words of another eminent Natalian, "Indian immigration brought prosperity, prices rose, people were no longer content to grow or sell produce for a song". Of the 51,000 Indians, 30,000 are those that have served out their indenture and are now variously engaged as free labourers, gardeners, hawkers, fruiterers, or petty traders. A few have, also, by their industry, educated themselves into fitness for the posts of school-masters, interpreters and general clerks in spite of adverse circumstances; 16,000 are at present serving their indenture, and about 5,000 are traders and merchants or their assistants who came first on their own means. These latter belong to the Bombay Presidency and most of them are Memon Mahomedans. A few are Parsees also, notable among whom is Mr. Rustomjee of Durban, who in his generosity would do credit to Sir Dinshaw.[1] No poor man goes to his doors without having his inner man satisfied. No Parsee lands on the Durban shores but is sumptuously treated by Mr. Rustomjee. And even he is not free from molestation. Even he is a coolie. Two gentlemen are ship-owners and large landed proprietors. But they are coolie ship-owners and their ships are called "coolie ships".

Apart from the common interest that every Indian feels in every other Indian, the three chief Presidencies are specially interested in this question. If the Bombay

[1] The reference is to Sir Dinshaw M. Petit.

Presidency has not sent an equally large number of her sons to South Africa, she makes up for that by the greater influence and wealth of her sons who have really constituted themselves the guardians of the interests of their less fortunate brethren from the sister Presidencies. And it may be that in India, also, Bombay will lead in endeavouring to help the Indians in South Africa out of their hardships.[1]

The preamble of the Bill of 1894 stated that Asiatics were not accustomed to representative institutions. The real object of the Bill, however, was not to disfranchise Indians because they were not fit, but because the European Colonists wanted to degrade the Indians and to assert their right to enter into class legislation, to accord a treatment to the Indians different from that accorded to the Europeans. This was patent not only from the speeches made by the members on the second reading of the Bill but also from the newspapers. They also said it was expedient to disfranchise the Indian under the plea that the Indian vote might swamp the European. But even this plea is and was untenable. In 1891, there were only 251 Indian voters as against nearly 10,000 European voters. The majority of Indians are too poor to command property qualifications. And the Indians in Natal have never meddled in politics and do not want political power. All these facts are admitted by *The Natal Mercury*, which is the Government organ in Natal. I must refer you to my little pamphlet[2] published in India for corroborative extracts. We memorialized the local Parliament and showed that the Indians were not unacquainted with the representative institutions. We were, however, unsuccessful. We then memorialized Lord Ripon, the then Secretary of State for the Colonies. After two years' correspondence, the Bill of 1894 was withdrawn this year and has been replaced by another which,

[1] The Bombay Presidency Association later forwarded a memorial to the Secretary of State for India, calling for redress of the grievances of the South African Indians.

[2] The Green Pamphlet.

while not so bad as the one repealed, is bad enough. It provides that "the natives or descendants, in the male line, of natives of countries which have not hitherto possessed elective representative institutions founded on the parliamentary franchise, shall not be placed on any Voters' List unless they shall first obtain an order from the Governor-in-Council exempting them from the operation of the Act." It also exempts from its operation those persons that are rightly contained in any Voters' List. This Bill was submitted to Mr. Chamberlain for approval before being introduced in the Legislative Assembly. In the papers published, Mr. Chamberlain seems to be of opinion that India does not possess elective representative institutions founded on the parliamentary franchise. With the greatest deference to these views, we submitted to Mr. Chamberlain in a memorial, for we did not succeed before the Natal Parliament, that for the purposes of the Bill, that is, legally speaking, India did and does possess elective representative institutions founded on the parliamentary franchise. Such is the opinion expressed by the London *Times*, such is the opinion of the newspapers in Natal and such is also the opinion of the members who voted for the Bill, as also of an able jurist in Natal. We are very anxious to know the opinion of the legal luminaries here. The object in passing such a Bill is to play a game of 'Toss up' to harass the Indian community. Many members of the Natal Assembly, otherwise hostile to the Indian, thought that the Bill would involve the Indian community in endless litigation and cause a ferment among them.

The Government organ says in effect: "We can have this Bill and no other. If we succeed, that is, if India is declared a country not possessing the institutions referred to in the Bill, well and good. If not, then, too, we lose nothing. We shall try another, we shall raise the property qualification and impose an educational test. If such a Bill is objected to, even then we need not be afraid, for, where

is the cause? We know that the Indian can never swamp us." If I had the time, I could give you the exact words which are much stronger. Those who take a special interest can look them up from the Green Pamphlet. Thus, then, we are a proper subject for vivisection under the Natal Pasteur's deadly scalpel and knife. The only difference is that the Paris Pasteur did it with a view to do good. Our Natal Pasteur does it for the sake of amusement to be derived from the operation out of sheer wantonness. This memorial is now under consideration by Mr. Chamberlain.

I cannot lay too much stress on the fact that the position in India is entirely different from the position in Natal. Eminent men in India have asked me the question, "Why do you want the franchise in Natal when you have only a visionary franchise in India, if at all?" Our humble reply is that in Natal it is not we who want the franchise, it is the Europeans who want to deprive us of the right we have been enjoying in Natal. That makes all the difference. The deprivation will involve degradation. There is no such thing in India. The representative institutions in India are slowly, but surely, being liberalized. Such institutions are being gradually closed against us in Natal. Again, as the London *Times* puts it, "The Indian in India has precisely the same franchise as the Englishman enjoys." Not so in Natal. What is sauce for the European goose is not sauce for the Indian gander there. Moreover, the disfranchising in Natal is not a political move but a merely commercial policy — a policy adopted to check the immigration of the respectable Indian. Being a British subject, he should be able to claim the same privileges as the other British subjects enjoy in a certain British State or Colony, just as an Indian going to England would be able to avail himself of the institutions of England to as full an extent as any Englishman. The fact, however, is that there is no fear of the Indian vote swamping the European; what they want is class legislation. The class legislation with regard to franchise is

only the thin end of the wedge. They contemplate depriving the Indians of the Municipal franchise also. A statement to that effect was made by the Attorney-General, in reply to the suggestion made by a member that the Indians should be deprived of the Municipal franchise, too, at the time the first Franchise Bill was introduced. Another member suggested that, while they were dealing with the Indian question, Civil Service in the Colony should be closed to the Indians.

In the Cape Colony also, which has a Government exactly similar to Natal's, the condition of the Indians is growing worse. Lately, the Cape Parliament has passed a Bill which authorises the East London Municipality to frame bye-laws prohibiting Indians from walking on the footpaths and compelling them to live in specific locations which, as a rule, are unhealthy swamps unfit for human habitation and certainly useless for purposes of trade. In Zululand, a Crown Colony and, therefore, directly under the control of the Home Government, regulations have been passed with regard to the townships of Nondweni and Eshowe to the effect that the Indians cannot own or acquire land in those townships, although, in that of Melmoth in the same country, the Indians own property worth £2,000. In the Transvaal, which is a Dutch Republic, the seat of the Jameson Raid and the El Dorado of the gold-hunters of the Western World, there are over 5,000 Indians, many of whom are merchants and store-keepers. Others are hawkers, waiters, and household servants. The Convention[1] between the Home Government and the Transvaal Government secures the trading and property rights of "all persons other than natives" and under it the Indians were trading freely upto 1885. In that year, however, after some correspondence with the Home Government, the Transvaal Volksraad passed a law which took

[1] The London Convention of 1884.

away from the Indians the right of trading, except in specified locations, and owning landed property, and imposed a registration fee of £3 on every Indian intending to settle in that country. I must again beg to refer the curious to the Green Pamphlet for the whole history of the protracted negotiations which culminated in the matter being entrusted to an arbitrator. The decision of the arbitrator being virtually against the Indians, a memorial was addressed to the Right Honourable the Secretary of State for the Colonies, with the result that the award of the arbitrator has been accepted, though the justice of the complaint of the Indians has been fully admitted. The system of passes prevails in the Transvaal in a very cruel form. While, in other parts of South Africa, it is the railway officials who make the lot of the 1st and 2nd class passengers on the railways intolerable, the Transvaal people have gone one better in that there the law prohibits the Indians from travelling 1st or 2nd class. They are, irrespective of position, huddled together in the same compartment with the natives of South Africa. The Gold Mining laws make it criminal for the Indians to buy native gold. And if the Transvaal Government are allowed to have their own way, they would, while treating them as mere chattels, compel the Indians to render military service. The thing is monstrous on the face of it, for, as the London *Times* puts it, "we might now see a levy of British Indian subjects driven at the point of the Transvaal bayonets against the bayonets of British troops." The Orange Free State, the other Dutch Republic in South Africa, beats the record in showing its hatred towards Indians. It has, to put it in the words of its chief organ, simply made the "British Indian an impossibility by classing him with the Kaffir". It denies the Indian the right not only to trade, farm or own landed property, but even to reside there, except under special, insulting circumstances.

Such, very shortly, is the position of the Indians in the various States in South Africa. The same Indian, who is

so much hated in the various States above-mentioned, is very much liked and respected only 300 miles from Natal, i.e., in Delagoa Bay. The real cause of all this prejudice may be expressed in the words of the leading organ in South Africa, namely, the *Cape Times*, when it was under the editorship of the prince of South African journalists, Mr. St. Leger:

> It is the position of these merchants which is productive of no little hostility to this day. And, it is in considering their position that their rivals in trade have sought to inflict upon them, through the medium of the State, what looks, on the face of it, something very like an injustice for the benefit of self. Continues the same organ: The injustice to the Indians is so glaring that one is almost ashamed of one's countrymen in wishing to have these men treated as natives, (i.e., of South Africa), simply because of their success in trade. The very reason that they have been so successful against the dominant race is sufficient to raise them above that degrading level.

If this was true in 1889, when the above was written, it is doubly so now, because the Legislatures of South Africa have shown phenomenal activity in passing measures restricting the liberty of the Queen's Indian subjects.

To stem the tide of this opposition against us, we have formed an organisation[1] on an humble scale so that we may take the necessary steps to have our grievances removed. We believe that much of the ill-feeling is due to want of proper knowledge about the Indians in India. We, therefore, endeavour, so far as the populace is concerned, to educate public opinion by imparting the necessary information. With regard to the legal disabilities, we have tried to influence the English public opinion in England and the public opinion here by placing our position before it. As you know, both the Conservatives and the Liberals have supported us in England without distinction. The London *Times* has given eight leading articles to our cause in a very sympathetic

[1] The Natal Indian Congress.

spirit.[1] This alone has raised us a step higher in the estimation of the Europeans in South Africa, and has considerably affected for the better the tone of the newspapers there.

I may state our position a little more clearly as to our demands. We are aware that the insults and indignities, that we are subjected to at the hands of the populace, cannot be directly removed by the intervention of the Home Government. We do not appeal to it for any such intervention. We bring them to the notice of the public, so that the fair-minded of all communities and the press may, by expressing their disapproval, materially reduce their rigour and, possibly, eradicate them ultimately. But we certainly do appeal, and we hope not vainly, to the Home Government for protection against reproduction of such ill-feeling in Colonial legislation. We certainly beseech the Home Government to disallow all the Acts of the Legislative bodies of the Colonies restricting our freedom in any shape or form.

And this brings me to the last question, namely, how far can the Home Government interfere with such action on the part of the Colonies and the allied States. As for Zululand, there can be no question, since it is a Crown Colony directly governed from Downing Street through a Governor. It is not a self-governing or responsibly-governed Colony as the Colonies of Natal and the Cape of Good Hope are. With regard to the latter, clause 7 of the Constitution Act of Natal enacts that Her Majesty may disallow any Act of the local Parliament within two years, even after it has become law having received the Governor's assent. That is one safeguard against oppressive measures by the Colonies. The Royal instructions to the Governor enumerate certain Bills which cannot be assented to by the Governor without Her Majesty's previous sanction. Among such are

[1] *Vide* p. 70, *supra*.

Bills which have for their object class legislation. I shall venture to give an instance in point. The Immigration Law Amendment Bill referred to above has been assented to by the Governor, but it can come into force only after Her Majesty has sanctioned it. It has not yet been sanctioned. Thus, then, it will be noticed that Her Majesty's intervention is direct and precise. While it is true that the Home Government is slow to interfere with the Acts of the Colonial Legislatures, there are instances where it has not hesitated to put its foot down on occasions less urgent than the present one. As you are aware, the repeal of the first Franchise Bill was due to such wholesome intervention. What is more, Colonists are ever afraid of it. And as a result of the sympathy expressed in England and the sympathetic answer given by Mr. Chamberlain to the deputation that waited on him some months ago, most of the papers in South Africa, at any rate in Natal, have veered round or think that the Immigration and other such Bills will not receive the Royal assent. As to the Transvaal, there is the Convention. As to the Orange Free State, I can only say that it is an unfriendly act on the part of a friendly State to shut her doors against any portion of Her Majesty's subjects. And as such, I humbly think it can be effectively checked.

Gentlemen, the latest advices from South Africa show that the Europeans there are actively canvassing the ruin of the Indians. They are agitating against the introduction of Indian artisans and what not.[1] All this should serve as a warning and an impetus. We are hemmed in on all sides in South Africa. We are yet infants. We have a right to appeal to you for protection. We place our position before you, and now the responsibility will rest to a very great

[1] The Europeans held mass meetings in Durban and protested against the Indian Immigration Trust Board's decision to permit the importation of Indian artisans to work on the Tongaat Sugar Estates in Natal. A 'European Protection Association' and a 'Colonial Patriotic Union' were set up to resist what was described as the 'Asiatic Invasion'.

extent on your shoulders, if the yoke of oppression is not removed from our necks. Being under it we can only cry out in anguish. It is for you, our elder and freer brethren, to remove it. I am sure we shall not have cried out in vain.

The Times of India, 27-9-1896
Bombay Gazette, 27-9-1896

4. LETTER TO F. S. TALEYARKHAN

C/o MESSRS. REVASHANKER
JAGJIVAN & CO.
CHAMPAGALI,
BOMBAY,
October 10, 1896[1]

DEAR MR. TALEYARKHAN,[2]

I am sure you would be good enough to excuse me for my inability to write to you earlier and send you the names of the chief men of South Africa. The reason is that I have been very busy with domestic business. I am writing this at midnight.

I leave for Madras by tomorrow evening's Mail (Sunday). I expect to stay there not more than a fortnight. If I am successful there I would thence proceed to Calcutta and return to Bombay within a month from today. I would then take the first boat to Natal.

The latest papers received from Natal show that there

[1] The original bears the date 10-8-1896. This was evidently a mistake for 10-10-1896. This is supported by the fact that Gandhiji left for Madras the next day, i.e., October 11, as shown by the entry in his "Statement of Expenses on Deputation to India". (*Vide* p. 142, *infra*). Moreover, August 11 was Tuesday and not Sunday which October 11 was. This is in accord with the statement, "by tomorrow evening's Mail (Sunday)", in the letter.

[2] Gandhiji has consistently used the original spelling. The name is being currently spelt also without 'e'.

is still much fight ahead. And that alone is sufficient to absorb the attention of two men of your activity if full justice is to be done to the cause. I sincerely hope that you will be able to see your way clear to join me in Natal.[1] I am sure it is a cause worth fighting for.

If you wish to write to me you may write to me at the above address and your letters will be redirected to me at Madras. I do not know at which hotel I shall put up there. The Natal hotels have made me quite nervous.

I remain,
yours truly,
M. K. GANDHI

From the original. Courtesy: R. F. S. Talyarkhan, son of the addressee.

5. *INDIANS IN NATAL*

BOMBAY,
October 17, 1896

TO
THE EDITOR
The Times of India

SIR,

I shall be obliged to you, if you will be good enough to find space for the following in your influential paper.

The Natal Agent-General has, it appears, told Reuter, with reference to my pamphlet on the grievances of the British Indians in South Africa, that it is not true to say that the railway and tramway officials treat the Indians

[1] There seems to have been some previous correspondence between Gandhiji and the addressee regarding the latter's going to S. Africa.

In his address to the N. I. Congress on October 1, 1895, Gandhiji told the audience that "he would leave them to go to India and he would then endeavour to persuade a number of good Indian barristers to come to Natal." *Vide* Vol. I, p. 249.

Taleyarkhan and Gandhiji returned to India from England by the same steamer after being called to the Bar.

as beasts, that the fact that the indentured Indians do not avail themselves of the return passage is the best answer to my pamphlet, and that the Indians are not denied justice in the law courts. In the first place, the pamphlet deals with the grievances of the Indians in the whole of South Africa. In the second place, I adhere to the statement that the railway and tram-car officials treat the Indians as beasts in Natal. If there are exceptions, they prove the rule. I have been witness myself to not a few such cases. What is it if it is not being treated as a beast, to be removed three times during a single night journey from one compartment to another, to suit European passengers? To see Indians, apparently respectable, kicked, pushed, and sworn at by the station master is not an extraordinary sight on the railway stations. The Western station in Durban is the dread of the Indians, so over-polite is the station master at that station, and this is not the only station where the Indians are kicked about like footballs. Here is an independent testimony from *The Natal Mercury* (24-11-'93):

> On our railway, we have noticed on more than one occasion that coloured passengers are not by any means killed with civility; and, although it would be unreasonable to expect that the White employees of the N.G.R. should treat them with the same deference as is accorded to European passengers, still, we think, it would be in no way derogatory to their dignity if the officials were a little more *suaviter in modo* when dealing with the coloured travellers.

On the tram-cars the Indians fare no better. Spotlessly-dressed and well-behaved Indians have been pushed about from one place to another to suit the fancy of European passengers. Indeed, as a rule, the tram-car officials compel "Sammy" to go "upstairs". Some would not allow them to take front seats. Respect is out of the question. An Indian official was compelled to stand on the tram-car board, although there was ample room to accommodate him. Of course, he was addressed as "Sammy" in the peculiarly offensive tone prevalent in Natal.

My statement has been before the public in Natal for the last two years, and the *first* contradiction comes *now* from the Agent-General! Why so late? As to the unwillingness of the Indians to avail themselves of the return passage, I beg to say, with due deference to the Agent-General, that the statement has been repeated *ad nauseam* in the press, and the official dignity now given to it will not enable it to prove more than it actually can. At the most, it can prove that the lot of the indentured Indian cannot be very unhappy; and that Natal is a very good place for such Indians to earn their livelihood. I am prepared to admit both. That does not, moreover, disprove the existence of the Colonial legislation restricting the freedom of the Indians in various ways. That does not disprove the existence of the terrible ill-feeling towards the Indians in the Colony. If the Indians remain in Natal, it is in spite of such treatment. It proves their marvellous forbearance, which has been so eloquently praised by Mr. Chamberlain in his despatch in connection with, to use a South African phrase, "the coolie arbitration".

The latest papers received from South Africa, unfortunately for the Natal Government, lend additional weight to my statement that the Indian is a cruelly persecuted being in South Africa. In August last, there was a meeting of European artisans, held to protest against the intended introduction of Indian artisans. The speeches made would form interesting reading for the Agent-General of Natal. The Indians were called "black vermin". A voice in the meeting said, "We will go to the Point[1] and stop them." A picnic party of European children used Indian and Kaffir boys as targets and shot bullets into their faces, hurting several inoffensive children. So deep-seated is the hatred that children have begun instinctively to look down upon Indians. Moreover, it should be remembered that the return passage story has

[1] The Durban harbour.

nothing to do with the trading class, who go to Natal on their own account, and who feel the hardships the most. The thing is, one fact is stronger than a hundred statements of belief. And the pamphlet contains very little of my own. It bristles with facts, mainly taken from European sources, to prove my assertion as against the naked statement of Mr. Peace the Agent-General's opinion. If Mr. Peace's statement is all that is to be said in reply to the pamphlet, then there remains much to be done before Natal can become a tolerably comfortable place for Indians. As to the Indians receiving justice in the law courts, I do not wish to say much. I have never stated that the Indians do not get justice in the law courts, nor am I prepared to admit that they get it at all times and in all courts.

Sir, I am not given to exaggerate matters. You have asked for an official inquiry; we have done the same. And if the Natal Government are not afraid of unpleasant revelations, let there be such an inquiry as soon as possible. And I think I am safe in promising that much more will be proved than is mentioned in the pamphlet. I have given therein only those instances which can be proved most easily. Sir, our position is very precarious, and we will need your active support, which has been so liberally given us till now, yet for a long time to come. The Immigration Law Amendment Bill, which you and your contemporaries condemned last year in such forcible language, has received the Royal assent, as appears from the papers received this week. To remind your readers, the Bill raises the period of indenture from the original period of five years to an indefinite period and, in default of re-indenture after the completion of the first five years, makes it compulsory for the Indian to return to India, of course, at the employer's expense, and, in case of non-compliance with that term of his contract, renders the defaulter liable to an annual poll-tax of £3, nearly half a year's earnings on the indenture scale. This Bill was, at the time it was passed,

Buckingham
Hotel
Madras
18-10-'96

Sir,

I promised to leave with Mr. Solomon some further papers in connection with the Indian question in South Africa. I am sorry I forgot all about it. I beg now to send them per book post and hope they will be of some

use.

We very badly need a committee of active prominent workers in India for our cause. The question affects not only South African Indians but Indians in all parts of the world outside India. I have no doubt you have read the telegram about the Australian Colonies legislating to restrict

the influx of Indian immigrants to that part of the world. It is quite possible that that legislation might receive the royal sanction. I submit that our great men should without delay take up this question. Otherwise within a very short time there will be an end to Indian enterprise outside India. In my humble opinion

that telegram might be made the subject of a question in the Imperial Council at Calcutta as well as in the House of Commons. In fact some enquiry as to the intention of the Indian Government should be made immediately.

Seeing that you took very warm interest in my conversation I thought I would venture to write the above.

I remain yours

[illegible]

Professor Gokhale
Poona.

unanimously pronounced to be an iniquitous measure. Even the Natal papers were doubtful whether the Bill would receive the Royal sanction. Yet the Bill has been promulgated and it came into force on the 8th August.

Publicity is our best and perhaps the only weapon of defence. "Our grievances," says one of our sympathizers, "are so serious that they have only to be known in order to be removed." I have now to beseech you, and your contemporaries to express your opinion with regard to this action on the part of the Colonial Secretary. The Colonial Office, we thought, was our safe resting-place. We may yet have to be undeceived. We have prayed for suspension of State-aided immigration to Natal if the Bill could not be vetoed.[1] That prayer has been supported by the public. May we now rely upon the public to renew their support in our fresh efforts to have that prayer granted?

Yours etc.,
M. K. GANDHI

The Times of India, 20-10-1896

6. LETTER TO G. K. GOKHALE[2]

BUCKINGHAM HOTEL,
MADRAS,
October 18, 1896

PROFESSOR GOKHLE[3]
POONA

SIR,

I promised to leave with Mr. Sohoni some further papers in connection with the Indian question in South Africa. I am sorry I forgot all about it. I beg now to send them per

1 *Vide* Vol. I, p. 230.

2 Gandhiji met G. K. Gokhale in Poona *en route* to Madras. *Vide* p. 143, *infra*

3 This is how his name is spelt in the original.

book-post and hope they will be of some use.

We very badly need a committee of active, prominent workers in India for our cause. The question affects not only South African Indians but Indians in all parts of the world outside India. I have no doubt you have read the telegram about the Australian Colonies legislating to restrict the influx of Indian immigrants to that part of the world. It is quite possible that that legislation might receive the Royal sanction. I submit that our great men should without delay take up this question. Otherwise within a very short time there will be an end to Indian enterprise outside India. In my humble opinion that telegram might be made the subject of a question in the Imperial Council at Calcutta[1] as well as in the House of Commons. In fact, some enquiry as to the intention of the Indian Government should be made immediately.

Seeing that you took very warm interest in my conversation I thought I would venture to write the above.

I remain,
Sir,
yours obediently,
M. K. GANDHI

From the photostat of the original. S. N. 3716.

7. *LETTER TO F. S. TALEYARKHAN*

BUCKINGHAM HOTEL,
MADRAS,
October 18, 1896

DEAR MR. TALEYARKHAN,

I have your important letter for which I thank you.

Your inquiry is certainly very pertinent. And you may depend upon it that I shall answer it most frankly.

I start with the assumption that we work in partnership.

[1] Gokhale was a member of the Viceroy's Legislative Council.

Starting on your own account at once will be out of the question.

There are checks lying in my safe at Durban for about £300, the retainer[1] for 1897 ending 31st July. These I propose to withdraw from the partnership to pay liabilities incurred here & if possible to pay the expenses that are now being incurred in connection with my office. I say if possible, because the balance may not cover the expenses at Durban.

If past experience is any guide for the purpose, then I think I am safe in saying that the joint earnings for the first six months will be at the rate £70 per month. As against that I place the joint expenses at £50 per month, i.e., if we share the same house. That would leave a clear profit of £120 to be divided equally between us after six months. This is the lowest estimate. And I should expect to earn that amount single-handed doing the Indian work side by side. It would not surprise me however if we earned £150 per month.

This much I can promise. You should pay your own passage to Natal. Your expenses of admission will be paid out of the office. The expenses of your board and lodging also will be defrayed out of the office earnings. That is to say if there is any loss during the six months' trial it shall be borne by me. On the other hand if there are any profits you share them.

Thus at the end of six months if you do not gain in money you will have gained considerably in experience of a different kind from that available in India. You will have realized the position of our countrymen in that part of the world & you will have seen a *new* country. I have no doubt that your connection in Bombay is such that a six months' absence from Bombay would not mar your future

[1] The reference is to the professional fees Gandhiji received from Indian merchants in respect of their personal legal work.

career there if you are disappointed in Natal. The six months' loss in Bombay will be requited by what I have stated above.

In any case, I cannot be too plain in saying that no one in our position should go to South Africa with a view to pile money. You should go there with a spirit of self-sacrifice. You should keep riches at an arm's length. They may then woo you. If you bestow your glances on them, they are such a coquette that you are sure to be slighted. That is my experience in South Africa.

As for work, apart from pecuniary considerations, I promise that there will be more than sufficient to feed your activity — that too legal work.

Boarding together might present a slight difficulty. If you could manage with vegetarian food, I could place on the table most palatable dishes cooked both in the English as well as the Indian style. If, however, that be not possible, we shall have to engage another cook. At any rate that cannot be an insurmountable difficulty. I trust I have stated the position clearly. If there are any points requiring elucidation you have only to mention them. I do hope you will not allow pecuniary considerations come in your way. I am sure you will be able to do much in South Africa — more indeed than I may have been instrumental in doing.

I have been seeing here the great men. *The Madras Times* has given its full support & it came out with a rattling good leading article on Friday last. *The Mail* has promised it. The meeting[1] probably comes off on Friday. After the meeting I go to Calcutta & thence probably to Poona. Professor Bhandarkar has promised his full support & I think he can do some good. I halted for a day at Poona on my way here.

I think I wrote to you that the Immigration Bill has

[1] Gandhiji addressed a public meeting on October 26. *Vide* p. 94, *infra*.

received the Royal assent. (Events follow in such quick succession that I forget them soon.) This is an unexpected & terrible blow. I am now renewing the prayer for suspension of State-aided immigration. The Natal Agent-General's diplomatic contradiction about which you must have read in the papers, shows the necessity of the agitation in London also. There I am positive you can do much more than I can.

It will be a very good thing if you could accompany me to Natal. I may mention that if the s. s. *Courland* is available by that time I might secure you a free passage.

I remain,
yours truly,
M. K. GANDHI

I received your letter only to-day.

M. K. G.

From the original. Courtesy: R. F. S. Talyarkhan

8. IN VISITORS' BOOK

Gandhiji visited the Hindu Theological High School in Madras on October 26, 1896. The following is his remark in the Visitors' Book.

October 26, 1896

I had the honour to visit this excellent institution. I was highly delighted with it. Being a Gujarati Hindu myself, I feel proud to know that this institution was started by Gujarati gentlemen. I wish the institution a brilliant future which I am sure it deserves. I only wish that such institutions will crop up all over India and be the means of preserving the Aryan religion in its purity.

The Hindu, 28-10-1896

9. ADDRESS IN MADRAS

Gandhiji delivered the following address on the subject of the grievances of his countrymen in South Africa before a crowded meeting held in Pachaiyappa's Hall, Madras, on October 26, 1896, under the auspices of the Mahajan Sabha. The meeting was most responsive and 'a silver lining to the cloud of distress' in South Africa.

October 26, 1896

Mr. President and Gentlemen,—I am to plead before you this evening for the 100,000 British Indians in South Africa, the land of gold and the seat of the late Jameson Raid. This document[1] will show you that I have been deputed to do so by the signatories to it, who profess to represent the 100,000 Indians. A large majority of this number are people from Madras and Bengal. Apart, therefore, from the interest that you would take in them as Indians, you are specially interested in the matter.

South Africa may, for our purposes, be divided into the two self-governing British Colonies of Natal and the Cape of Good Hope, the Crown Colony of Zululand, the Transvaal or the South African Republic, the Orange Free State, the Chartered Territories and the Portuguese Territories comprising Delagoa Bay and Beira.

South Africa is indebted to the Colony of Natal for the presence of the Indian population there. In the year 1860, when, in the words of a member of the Natal Parliament, "the existence of the Colony hung in the balance", the Colony of Natal introduced indentured Indians into the Colony. Such immigration is regulated by law, is permissible only to a few favoured States, e.g., Mauritius, Fiji,

[1] Gandhiji read out the Credentials given at pp. 51–2, *supra*.

Jamaica, Straits Settlements, Damarara and other States, and is allowed only from Madras and Calcutta. As a result of the immigration, in the words of another eminent Natalian, Mr. Saunders: "Indian immigration brought prosperity, prices rose, people were no longer content to grow or sell produce for a song, they could do better". The sugar and tea industries, as well as sanitation and the vegetable and fish supply of the Colony, are absolutely dependent on the indentured Indians from Madras and Calcutta. The presence of the indentured Indians, about sixteen years ago, drew the free Indians in the shape of traders, who first went there with a view to supply the wants of their own kith and kin; but, afterwards, found a very valuable customer in the native of South Africa, called Zulu or Kaffir. These traders are chiefly drawn from the Bombay Memon Mahomedans and, owing to their less unfortunate position, have formed themselves into custodians of the interests of the whole Indian population there. Thus, adversity and identity of interests have united in a compact body the Indians from the three Presidencies, and they take pride in calling themselves Indians rather than Madrasees or Bengalees or Gujaratees, except when it is necessary to do so. That, however, by the way.

These Indians have now spread all over South Africa. Natal, which is governed by a Legislative Assembly consisting of 37 members elected by the voters, a Legislative Council consisting of 11 members, nominated by the Governor who represents the Queen, and a movable Ministry consisting of 5 members, contains a European population of 50,000, a native population of 400,000 and an Indian population of 51,000. Of the 51,000 Indians, about 16,000 are at present serving their indenture, 30,000 are those that have completed their indenture and are now variously engaged as domestic servants, gardeners, hawkers and petty traders, and about 5,000 are those who emigrated to the Colony of their own account and are either traders,

shop-keepers, assistants or hawkers. A few are, also, school-masters, interpreters and clerks.

The self-governing Colony of the Cape of Good Hope has, I believe, an Indian population of about 10,000, consisting of traders, hawkers and labourers. Its total population is nearly 1,800,000, of whom not more than 400,000 are Europeans. The rest are natives of the country and Malaya.

The South African Republic of the Transvaal, which is governed by two elective Chambers called the Volksraad and an Executive with the President at its head, has an Indian population of 5,000, of whom about 200 are traders with liquidated assets amounting to nearly £100,000. The rest are hawkers and waiters or household servants, the latter being men from this Presidency. Its White population is estimated at roughly 120,000 and the Kaffir population at roughly 650,000. This Republic is subject to the Queen's suzerainty. And there is a Convention[1] between Great Britain and the Republic which secures the property, trading and farming rights of all persons other than natives of South Africa, in common with the citizens of the Republic.

The other States have no Indian population to speak of, because of the grievances and disabilities, except the Portuguese territories which contain a very large Indian population and which do not give any trouble to the Indians.

The grievances of the Indians in South Africa are two-fold, i.e., those that are due to the popular ill-feeling against the Indians and, secondly, the legal disabilities placed upon them. To deal with the first, the Indian is the most hated being in South Africa. Every Indian without distinction is contemptuously called a "coolie". He is also called "Sammy"," Ramasammy", anything but

[1] The reference is to the London Convention of 1884.

"Indian". Indian school-masters are called "coolie school-masters". Indian store-keepers are "coolie store-keepers". Two Indian gentlemen from Bombay, Messrs. Dada Abdulla and Moosa Hajee Cassim, own steamers. Their steamers are "coolie ships".

There is a very respectable firm of Madras traders by name, A. Colandaveloo Pillay & Co. They have built a large block of buildings in Durban; these buildings are called "coolie stores", and the owners are "coolie owners". And I can assure you, gentlemen, that there is as much difference between partners of that firm and a "coolie" as there is between anyone in this hall and a coolie. The railway and tram-officials, in spite of the contradiction that has appeared in official quarters which I am going to deal with presently, I repeat, treat us as beasts. We cannot safely walk on the foot-paths. A Madrasi gentleman, spotlessly dressed, always avoids the foot-paths of prominent streets in Durban for fear he should be insulted or pushed off.

We are the "Asian dirt" to be "heartily cursed", we are "chokeful of vice" and we "live upon rice", we are "stinking coolie" living on "the smell of an oiled rag", we are "the black vermin", we are described in the Statute books as "semi-barbarous Asiatics, or persons belonging to the uncivilized races of Asia". We "breed like rabbits" and a gentleman at a meeting lately held in Durban said, he "was sorry we could not be shot like them." There are coaches running between certain places in the Transvaal. We may not sit inside them. It is a sore trial, apart from the indignity it involves and contemplates, to have to sit outside them, either in deadly winter morning, for the winter is severe in the Transvaal, or under a burning sun, though we are Indians. The hotels refuse us admission. Indeed, there are cases in which respectable Indians have found it difficult even to procure refreshments at European places. It was only a short time

ago, that a gang of Europeans set fire to an Indian store in a village called Dundee in Natal, doing some damage, and another gang threw burning crackers into the Indian stores in a business street in Durban.

This feeling of intense hatred has been reproduced into legislation in the various States of South Africa restricting the freedom of Indians in many ways. To begin with, Natal, which is the most important from an Indian point of view, has, of late, shown the greatest activity in passing Indian legislation. Till 1894, the Indians had been enjoying the franchise equally with the Europeans under the general franchise law of the Colony, which entitles any adult male, being a British subject, to be placed on the Voters' List, who possesses immovable property worth £50 or pays an annual rent of £10. There is a separate franchise qualification for the Zulu. In 1894, the Natal Legislature passed a Bill disfranchising Asiatics by name.[1] We resisted it in the local Parliament, but without any avail. We then memorialized the Secretary of State for the Colonies,[2] and, as a result, that Bill was, this year, withdrawn and replaced by another which, though not quite so bad as the first one, is bad enough.[3] It says that no natives of countries (not being of European origin) which have not hitherto possessed elective representative institutions, founded on the parliamentary franchise, shall be placed on the Voters' Roll unless they shall first obtain an exemption from the Governor-in-Council. This Bill excepts from its operation those whose names are already rightly contained in any Voters' List. Before being introduced, it was submitted to Mr. Chamberlain, who has approved of it. We have opposed it on the ground that we have such institutions in India, and that, therefore, the Bill will fail in its object if it is to disfranchise the Asiatics and that, therefore, also it is

[1] *Vide* p. 14, *supra*.

[2] ibid.

[3] *Vide* pp. 15-6, *supra*.

a harassing piece of legislation and is calculated to involve us in endless litigation and expense. This is admitted on all hands. The very members who voted for it thought likewise. The Natal Government organ[1] says in effect:

> We know India has such institutions and therefore the Bill will not apply to the Indians. But we can have that bill or none. If it disfranchises Indians, nothing can be better. If it does not, then too we have nothing to fear! For the Indian can never gain political supremacy and, if necessary, we can soon impose an educational test or raise the property qualification which, while disfranchising Indians wholesale, will not debar a single European from voting.

Thus, the Natal legislature is playing a game of "Toss up" at the Indians' expense. We are a fit subject for vivisection under the Natal Pasteur's deadly scalpel and knife, with this difference between the Paris Pasteur and the Natal Pasteur that, while the former indulged in vivisection with the object of benefiting humanity, the latter has been indulging in it for the sake of amusement out of sheer wantonness. The object of this measure is not political. It is purely and simply to degrade the Indians; in the words of a member of the Natal Parliament: "To make the Indian's life more comfortable in his native land than in Natal"; in the words of another eminent Natalian: "To keep him for ever a hewer of wood and drawer of water". The very fact that at present there are only 251 Indian, as against nearly 10,000 European, voters shows that there is no fear of the Indian vote swamping the European. For a fuller history of the question, I must refer you to the Green Pamphlet. The London *Times*, which has uniformly supported us in our troubles, dealing with the franchise question in Natal, thus puts it, in its issue of the 27th day of June of this year:

> The question now put before Mr. Chamberlain is not an academic one. It is not a question of argument but of race-feeling. We cannot afford a war of races among our own subjects. It would be

[1] The reference is to *The Natal Mercury*.

as wrong for the Government of India to suddenly arrest the development of Natal by shutting all supply of immigrants, as it would be for Natal to deny the right of citizenship to British Indian subjects who, by years of thrift and good work in the Colony, have raised themselves to the actual status of citizens.

If there is any real danger of the Asiatic vote swamping the European, we should have no objection to an educational test being imposed or the property qualifications being raised. What we object to is class legislation and the degradation which it necessarily involves. We are fighting for no new privilege in opposing the Bill. We are resisting the deprivation of the one we have been enjoying.

In strict accordance with the policy of degrading the Indian to the level of a raw Kaffir and, in the words of the Attorney-General of Natal, "that of preventing him from forming part of the future South African nation that is going to be built", the Natal Government, last year, introduced their Bill to amend the Indian Immigration Law which, I regret to inform you, has received the Royal sanction in spite of our hopes to the contrary. This news was received after the Bombay meeting,[1] and it will, therefore, be necessary for me to deal with this question at some length, also because this question more immediately affects this Presidency and can be best studied here.

Up to the 18th day of August, 1894, the indentured immigrants went under a contract of service for five years in consideration for a free passage to Natal, free board and lodging for themselves and their families, and wages at the rate of ten shillings per month for the first year, to be increased by one shilling every following year. They were also entitled to a free passage back to India if they remained in the Colony another five years as free labourers. This is now changed and, in future, the immigrants will have either to remain in the Colony for ever under indenture, their wages increasing to 20 shillings at

[1] Held on September 26, 1896; *vide* p. 70, *supra*.

the end of the 9th year of indentured service, or to return to India or to pay an annual poll-tax of £3 sterling, equivalent to nearly half a year's earnings on the indentured scale. A Commission consisting of two members was sent to India in 1893 by the Natal Government to induce the Indian Government to agree to the above alterations with the exception of the imposition of the poll-tax. The present Viceroy, while expressing his reluctance, agreed to the alteration subject to the sanction of the Home Government, refusing to allow the Natal Government to make the breach of the clause about compulsory return a criminal offence. The Natal Government have got over the difficulty by the poll-tax clause.

The Attorney-General, in discussing that clause, said that, while an Indian could not be sent to gaol for refusing to return to India or to pay the tax, so long as there was anything worth having in his hut it will be liable to seizure. We strongly opposed that Bill in the local Parliament and failing there, sent a memorial to Mr. Chamberlain, praying either that the Bill should be disallowed or emigration to Natal should be suspended.

The above proposal was mooted 10 years ago and it was vehemently opposed by the most eminent Colonists in Natal. A Commission was then appointed to inquire into various matters concerning Indians in Natal. One of the Commissioners, Mr. Saunders, says in his additional report:

> Though the Commission has made no recommendation on the subject of passing a law to force Indians back to India at the expiration of their term of service unless they renew their indentures, I wish to express my strong condemnation of any such idea, and I feel convinced that many who now advocate the plan, when they realize what it means, will reject it as energetically as I do. Stop Indian emigration and face results, but don't try to do what I can show is a great wrong.
>
> What is it but taking the best of our servants (the good as well as the bad), and then refusing them the enjoyment of the reward, forcing them back (if we could, but we cannot) when their best

days have been spent for our benefit? Whereto? Why, back to face a prospect of starvation from which they sought to escape when they were young. Shylock-like, taking the pound of flesh, and Shylock-like we may rely on meeting Shylock's reward.

The Colony can stop Indian immigration, and that, perhaps, far more easily and permanently than some 'popularity seekers' would desire. But force men off at the end of their service, this the Colony cannot do. And I urge on it not to discredit a fair name by trying.

The Attorney-General of Natal, who introduced the Bill under discussion, expressed the following views while giving his evidence before the Commission:

With reference to time-expired Indians, I do not think that it ought to be compulsory on any man to go to any part of the world save for a crime for which he is transported. I hear a great deal of this question; I have been asked again and again to take a different view, but I have not been able to do it. A man is brought here, *in theory with his own consent, in practice very often without his consent*, he gives the best five years of his life, he forms new ties, forgets the old ones, perhaps establishes a home here, and he cannot, according to my view of right and wrong, be sent back. Better by far to stop the further introduction of Indians altogether than to take what work you can out of them and order them away. The Colony, or part of the Colony, seems to want Indians but also wishes to avoid the consequences of Indian immigration. The Indian people do no harm as far as I know: in certain respects they do a great deal of good. I have never heard a reason to justify the extradition of a man who has behaved well for five years.

And Mr. Binns, who came to India as one of the Natal Commissioners to induce the Indian Government to agree to the above-mentioned alterations, gave the following evidence before the Commission ten years ago:

I think the idea which has been mooted, that all Indians should be compelled to return to India at the end of their term of indenture, is most unfair to the Indian population and would never be sanctioned by the Indian Government. In my opinion, the free Indian population is a most useful section of the community.

But, then, great men may change their views as often and as quickly as they may change their clothes, with

impunity and even to advantage. In them, they say, such changes are a result of sincere conviction. It is a thousand pities, however, that, unfortunately for the poor indentured Indion, his fear or, rather the expectation, that the Indian Government will never sanction the change was not realized.

The London *Star* thus gave vent to its feelings on reading the Bill:

> These particulars are enough to throw light upon the hateful persecution to which British Indian subjects are being subjected. The new Indian Immigration Law Amendment Bill, which virtually proposes to reduce Indians to a state of slavery, is another example. The thing is a monstrous wrong, an insult to British subjects, a disgrace to its authors, and a slight upon ourselves. Every Englishman is concerned to see that the commercial greed of the South African trader is not permitted to wreak such bitter injustice upon men who, alike by proclamation and by statute, are placed upon an equality with ourselves before the Law.

The London *Times*, also, in supporting our prayer, has compared the state of perpetual indenture to a "state perilously near to slavery". It also says:

> The Government of India has one simple remedy. It can suspend indentured immigration to South Africa as it has suspended such immigration to foreign possessions until it obtains the necessary guarantees for the present well-being and the future status of the immigrants. . . . It is eminently a case for sensible and conciliatory action on both sides. . . . But the Indian Government may be forced to adopt measures in connection with the wider claim now being urged by every section of the Indian community and which has been explicitly acknowledged by Her Majesty's Government at home, namely, the claim of the Indian races to trade and to labour with the full status of British subjects throughout the British Empire and in allied States.

The letters from Natal, informing me of the Royal sanction to this Bill, ask me to request the Indian public to help us to get emigration suspended. I am well aware that the idea of suspending emigration requires careful consideration. I humbly think that there is no other

conclusion possible in the interests of the Indians at large. Emigration is supposed to relieve the congested districts and to benefit those who emigrate. If the Indians, instead of paying the poll-tax, return to India, the congestion cannot be affected at all. And the returned Indians will rather be a source of difficulty than anything else, as they must necessarily find it difficult to get work and cannot be expected to bring sufficient to live upon the interest of their capital. It certainly will not benefit the emigrants as they will never, if the Government can possibly help it, be allowed to rise higher than the status of labourers. The fact is that they are being helped on to degradation. Under such circumstances, I humbly ask you to support our prayer to suspend emigration to Natal, unless the new law can be altered or repealed.

You will naturally be anxious to know the treatment of the Indians while under indenture. Of course, that life cannot be bright under any circumstances; but I do not think their lot is worse than the lot of the Indians similarly placed in other parts of the world. At the same time, they, too, certainly come in for a share of the tremendous colour prejudice. I can only briefly allude to the matter here and refer the curious to the Green Pamphlet, wherein it has been more fully discussed. There is a sad mortality from suicides on certain estates in Natal. It is very difficult for an indentured Indian to have his services transferred on the ground of ill-treatment. An indentured Indian, after he becomes free, is given a free pass. This he has to show whenever asked to do so. It is meant to detect desertion by the indentured Indians. The working of this system is a source of much irritation to poor free Indians and often puts respectable Indians in a very unpleasant position. This law really would not give any trouble but for the unreasonable prejudice. A sympathetic Protector of Immigrants, preferably an Indian gentleman of high standing and knowing the Tamil,

Telugu and Hindustani languages, would certainly mitigate the usual hardships of the indentured life. An Indian immigrant who loses his free pass is, as a rule, called upon to pay £3 sterling for a duplicate copy. This is nothing but a system of blackmail.

The 9-o'clock rule in Natal, which makes it necessary for every Indian to carry a pass, if he wants to be out after 9 p.m., at the pain of being locked up in a dungeon, causes much heart-burning, especially among the gentlemen from this Presidency. You will be pleased to hear that children of many indentured Indians receive a pretty good education and they wear, as a rule, the European dress. They are a most sensitive class and yet, unfortunately, most liable to arrest under the 9 o'clock rule. The European dress for an Indian is no recommendation in Natal. It is rather the reverse, for the flowing robe of a Memon frees the wearer from such molestation. A happy incident, described in the Green Pamphlet, led the police in Durban, some years ago, to free Indians thus dressed from liability to arrest after 9 p.m. A Tamil school-mistress, a Tamil school-master and a Tamil Sunday school-teacher were, only a few months ago, arrested and locked up under this law. They all got justice in the law courts, but that was a poor consolation. The result, however, was that the Corporations in Natal are clamouring for an alteration in the law so that it might be impossible for such Indians to get off scot-free in the law courts.

There is a bye-law in Durban which requires registration of coloured servants. This rule may be, and perhaps is, necessary for the Kaffirs who would not work, but absolutely useless with regard to the Indians. But the policy is to class the Indian with the Kaffir whenever possible.

This does not complete the list of grievances in Natal. I must beg to refer the curious to the Green Pamphlet for further information.

But, gentlemen, you have been told lately by the Natal

Agent-General that the Indians are nowhere better treated than in Natal; that the fact that a majority of the indentured labourers do not avail themselves of the return passage is the best answer to my pamphlet, and that the railway and tram-car officials do not treat the Indians as beasts nor do the law courts deny them justice.[1]

With the greatest deference to the Agent-General, all I can say as to the first statement is that he must have very queer notions of good treatment, if to be locked up for being out after 9 p.m. without a pass, to be denied the most elementary right of citizenship in a free country, to be denied a higher status than that of bondman and, at best, a free labourer, and to be subjected to other restrictions referred to above, are instances of good treatment. And if such treatment is the best the Indians receive throughout the world, then the lot of the Indians in other parts of the world and here must be very miserable indeed, according to the common-sense view. The thing is that Mr. Walter Peace, the Agent-General, is made to look through the official spectacles and to him everything official is bound to appear rosy. The legal disabilities are condemnatory of the action of the Natal Government, and how can the Agent-General be expected to condemn himself? If he, or the Government which he represents, only admitted that the legal disabilities mentioned above were against the fundamental principles of the British Constitution, I should not stand before you this evening. I respectfully submit that statements of opinions made by the Agent-General cannot be allowed to have greater weight than those of an accused person about his own guilt.

The fact that the indentured Indians, as a rule, do not avail themselves of the return passage we do not dispute,

[1] This and the succeeding paragraphs, ending with: "Quoting statistics. . . ." (*vide* p. 112, *infra*) were in reply to the Natal Agent-General. *Vide Preface* to the Green Pamphlet (p. 1, *supra*); also, pp. 31–9, *supra*.

but we certainly dispute that it is the best answer to our complaints. How can that fact disprove the existence of the legal disabilities? It may prove that the Indians, who do not take advantage of the return passage, either do not mind the disabilities, or remain in the Colony in spite of such disabilities. If the former be the case, it is the duty of those who know better to make the Indians realize their situation and to enable them to see that submission to them means degradation. If the latter be the case, it is one more instance of the patience and the forbearing spirit of the Indian Nation which was acknowledged by Mr. Chamberlain in his Despatch in connection with the Transvaal arbitration. Because they bear them is no reason why the disabilities should not be removed or why they should be interpreted into meaning the best treatment possible.

Moreover, who are these people who, instead of returning to India, settle in the Colony? They are the Indians drawn from the poorest classes and from the most thickly populated districts, possibly living in a state of semi-starvation in India. They migrated to Natal with their families, if any, with the intention of settling there, if possible. Is it any wonder, if these people, after the expiry of their indenture, instead of returning 'to face semi-starvation', as Mr. Saunders has put it, settle in a country where the climate is magnificent and where they may earn a decent living? A starving man, generally, would stand any amount of rough treatment to get a crumb of bread.

Do not the Uitlanders make out a terribly long list of grievances in the Transvaal? And yet, do they not flock to the Transvaal in thousands in spite of the ill-treatment they receive there, because they can earn their bread in the Transvaal more easily than in the old country?

This, too, should be borne in mind that, in making his statement, Mr. Peace has not taken into account the free Indian trader who goes to the Colony on his own account

and who feels most the indignities and disabilities. If it does not do to tell the Uitlander that he may not go to the Transvaal if he cannot bear the ill-treatment, much less will it do to say so to the enterprising Indian. We belong to the Imperial family and are children, adopted it may be, of the same august mother, having the same rights and privileges guaranteed to us as to the European children. It was in that belief that we went to the Colony of Natal, and we trust that our belief was well-founded.

The Agent-General has contradicted the statement made in the pamphlet that the railway and tram-car officials treat the Indians as beasts. Even if the statements I have made were incorrect, that would not disprove the legal disabilities which, and which alone, have been made the subject of memorials and to remove which we invoke the direct intervention of the Home and the Indian Governments. But, I venture to say that the Agent-General has been misinformed, and beg to repeat that the Indians *are* treated as beasts by the railway and the tram-car officials. That statement was made now nearly two years ago in quarters where it would have been contradicted at once. I had the honour to address an 'Open Letter' to the members of the local Parliament in Natal. It was widely circulated in the Colony and noticed by almost every leading newspaper in South Africa. No one contradicted it then. It was even admitted by some newspapers. Under such circumstances, I ventured to quote it in my pamphlet published here. I am not given to exaggerate matters, and it is very unpleasant to me to have to cite testimony in my own favour, but since an attempt has been made to discredit my statements and, thereby, the cause I am advocating, I feel it to be my duty, for the sake of the cause, to tell you what the papers in South Africa thought about the 'Open Letter', in which the statment was made.

The Star, the leading newspaper in Johannesburg, says:

Mr. Gandhi writes forcibly, moderately and well. He has himself suffered some slight measure of injustice since he came into the Colony, but that fact does not seem to have coloured his sentiment, and it must be confessed that to the tone of the open letter no objection can reasonably be taken. Mr. Gandhi discusses the questions he has raised with conspicuous moderation.

The Natal Mercury, the Government organ in Natal, says:

Mr. Gandhi writes with calmness and moderation. He is as impartial as anyone could expect him to be and probably a little more so than might have been expected, considering that he did not receive very just treatment at the hands of the Law Society when he first came to the Colony.

Had I made unfounded statements, the newspapers would not have given such a certificate to the 'Open Letter'.

An Indian, about two years ago, took out a second-class ticket on the Natal railway. In a single night journey he was thrice disturbed and was twice made to change compartments to please European passengers. The case came before the Court and the Indian got £10 damages. The following is the plaintiff's evidence in the case:

Deponent got into a second-class carriage in the train, leaving Charlestown at 1-30 p.m. Three other Indians were in the same compartment, but they got out at Newcastle. A White man opened the door of the compartment and beckoned to witness, saying: "Come out, Sammy". Plaintiff asked : "Why", and the White man replied: "Never mind, come out, I want to place someone here." Witness said: "Why should I come out from here when I have paid my fare?" . . . The White man then left and brought an Indian who, witness believed, was in the employ of the railway. The Indian was told to tell plaintiff to get out of the carriage. Thereupon the Indian said: "The White man orders you to come out and you must come out." The Indian then left. Witness said to the White man: "What do you want to shift me about for? I have paid my fare and have a right to remain here." The White man became angry at this and said: "Well, if you don't come out, I will knock hell out of you." The White man got into the carriage and laid hold of witness by the arm and tried to pull him out. Plaintiff said: "Let me alone and I will come out." The witness left the carriage and the White man pointed out another second

class compartment and told him to go there. Plaintiff did as he was directed. The compartment he was shown into was empty. He believed some people who were playing a band were put into the carriage from which he was expelled. This White man was the District Superintendent of Railways at Newcastle. To proceed, witness travelled undisturbed to Maritzburg. He fell asleep, and when he awoke at Maritzburg he found a White man, a White woman and a child in the compartment with him. A White man came up to the carriage and said: "Is that your boy?", speaking to the White man in the compartment. Witness's fellow-traveller replied: "Yes", pointing to his little boy. The other White man then said: "No, I don't mean him. I mean the damned coolie in the corner." This gentleman with the choice language was a railway official, being a shunter. The White man in the compartment replied: "Oh, never mind him, leave him alone." Then the White man outside (the official) said: "I am not going to allow a coolie to be in the same compartment with White people." This man addressed plaintiff, saying: "Sammy, come out." Plaintiff said: "Why, I was removed at Newcastle to this compartment." The White man said: "Well, you must come out" and was about to enter the carriage. Witness, thinking he would be handled as at Newcastle, said he would go out and left the compartment. The White man pointed out another second-class compartment which witness entered. This was empty for a time but, before leaving, a White man entered. Another White man, (the official), afterwards came up and said: "If you don't like to travel with that stinking coolie, I will find you another carriage." (*The Natal Advertiser*, 22nd November, 1893, Wednesday.)

You will have noticed that the official at Maritzburg maltreated the Indian passenger although his White fellow-passenger did not mind him. If this is not bestial treatment, I should very much like to know what is, and such occurrences take place often enough to be irritating.

It was found during the case that one of the witnesses for the defendant was coached. In answer to a question from the Bench whether the Indian passengers were treated with consideration, the witness, who was one of the officials referred to, replied in the affirmative. Thereupon, the presiding Magistrate who tried the case is reported to have said to the witness: "Then, you have a different opinion

to what I have and it is a curious thing that people who are not connected with the railway observe more than you."

The Natal Advertiser, a European daily in Durban, made the following remarks on the case:

> It was indisputable from the evidence that the Arab had been badly treated and seeing that second-class tickets are issued to Indians of this description, the plaintiff ought not to have been subjected to unnecessary annoyance and indignity. . . . Some definite measures should be taken to minimise the danger of trouble arising between European and coloured passengers, without rendering the carrying out of such measures annoying to any person, whether black or white.

In the course of its remarks on the same case, *The Natal Mercury* observed:

> There is, throughout South Africa, a tendency to treat all Indians as coolies pure and simple, no matter whether they be educated and cleanly in their habits or not. On our railways we have noticed, on more than one occasion, that coloured passengers are not by any means treated with civility, and although it would be unreasonable to expect that the White employees of the N.G.R. should treat them with the same deference as is accorded to European passengers, still we think it would not be in any way derogatory to their dignity if the officials were a little more *suaviter in modo* when dealing with coloured travellers. (24-11-1893)

The *Cape Times*, a leading newspaper in South Africa, says:

> Natal presents the curious spectacle of a country entertaining a supreme contempt for the very class of people she can least do without. Imagination can only picture the commercial paralysis which would inevitably attend the withdrawal of the Indian population from that Colony. And yet the Indian is the most despised of creatures; he may not ride in the tram-cars, nor sit in the same compartments of a railway carriage with the Europeans, hotel-keepers refuse him food or shelter and he is denied the privilege of the public bath! (5-7-1891)

Here is the opinion of an Anglo-Indian, Mr. Drummond, who is intimately connected with the Indians in Natal. He says, writing to *The Natal Mercury*:

The majority of the people here seem to forget that they are British subjects, that their *Maharani* is our Queen and, for that reason alone, one would think that they might be spared the opprobrious term of 'coolie' as it is here applied. In India, it is only the lower class of white men who calls native a 'nigger' and treats him as if he were unworthy of any consideration or respect. In their eyes, as in the eyes of many in this Colony, he is treated either as a heavy burden or a mechanical machine. . . . It is a common thing, and a lamentable thing, to hear the ignorant and the unenlightened speak of the Indian generally as the scum of the earth, etc. It is depreciation from the White man and not appreciation that they get.

I think I have adduced sufficient outside testimony to substantiate my statement that the railway officials treat the Indians as beasts. On the tram-cars, the Indians are often not allowed to sit inside but are sent 'upstairs', as the phrase goes. They are often made to remove from one seat to another or prevented from occupying front benches. I know an Indian officer, a Tamil gentleman, dressed in the latest European style who was made to stand on the tram-car board, although there was accommodation available for him.

As to the statement that the Indians get justice in the law courts, I beg to say that I have never said they do not, nor am I prepared to admit that they get it at all times and in all courts.

Quoting statistics to prove the prosperity of the Indian community is quite unnecessary. It is not denied that the Indians who go to Natal do earn a living and that, in spite of the persecution.

In the Transvaal we cannot own landed property, we may not trade or reside except in specified locations which are described by the British Agent "as places to deposit the refuse of the town, without any water except the polluted soakage in the gully between the location and the town". We may not, as of right, walk on the footpaths in Johannesburg and Pretoria, we may not be out

after 9 p.m. We may not travel without passes. The law prevents us from travelling first or second class on the railways. We are required to pay a special registration fee of £3 to enable us to settle in the Transvaal, and though we are treated as mere "chattels" and have no privileges whatever, we may be called upon to render compulsory military service, if Mr. Chamberlain disregards the memorial which we have addressed to him on the subject. The history of the whole case, as it affects the Indians in the Transvaal, is very interesting, and I am only sorry that for want of time I cannot deal with it now. I must, however, beg you to study it from the Green Pamphlet. I must not omit to mention that it is criminal for an Indian to buy native gold.

The Orange Free State has made "the British Indian an impossibility by simply classifying him with the Kaffir", as its chief organ puts it. It has passed a special law whereby we are prevented from trading, farming or owning property under any circumstances. If we submit to these degrading conditions, we may be allowed to reside after passing through certain humiliating ceremonies. We were driven out from the State and our stores were closed, causing to us a loss of £9,000. And this grievance remains absolutely without redress.

The Cape Parliament has passed a Bill granting the East London Municipality in that Colony the power to frame bye-laws prohibiting Indians from walking on the footpaths and making them live in locations. It has issued instructions to the authorities of East Griqualand not to issue any trading licenses to the Indians. The Cape Government are in communication with the Home Government with a view to induce them to sanction legislation restricting the influx of the Asiatics.

The people in the Chartered Territories are endeavouring to close the country against the Asiatic trader.

In Zululand, a Crown Colony, we cannot own or acquire

landed property in the townships of Eshowe and Nondweni. This question is now before Mr. Chamberlain for consideration. As in the Transvaal, there also, it is criminal for an Indian to buy native gold.

Thus, we are hemmed in on all sides by restrictions. And, if nothing further were to be done here and in England on our behalf, it is merely a question of time when the respectable Indian in South Africa will be absolutely extinct.

Nor is this merely a local question. It is, as the London *Times* puts it, "that of the status of the British Indian outside India." "If," says the *Thunderer*, "they fail to secure that position (that is of equal status) in South Africa, it will be difficult for them to attain it elsewhere." I have no doubt you have read in the papers that Australian Colonies have passed legislation to prevent Indians from settling in that part of the world. It will be interesting to know how the Home Government deal with that question.

The real cause of all this prejudice may be expressed in the words of the leading organ in South Africa, namely the *Cape Times*, when it was under the editorship of the prince of South African journalists, Mr. St. Leger:

> It is the position of these merchants which is productive of no little hostility to this day. And it is in considering their position that their rivals in trade have sought to inflict upon them through the medium of the State what looks on the face of it something very like an injustice for the benefit of self.

Continues the same organ:

> The injustice to the Indians is so glaring that one is almost ashamed of one's countrymen in wishing to have these men treated as natives (i.e., of South Africa), simply because of their success in trade. The very reason that they have been so successful against the dominant race is sufficient to raise them above that degrading level.

If this was true in 1889, when the above was written, it is doubly so now, because the legislatures of South Africa have

shown phenomenal activity in passing measures restricting the liberty of the Queen's Indian subjects.

Other objections also have been raised to our presence there, but they will not bear scrutiny, and I have dealt with them in the Green Pamphlet. I venture, however, to quote from *The Natal Advertiser*, which states one of them and prescribes a statesman-like remedy also. And so far as the objection may be valid, we are in perfect accord with the *Advertiser*'s suggestion. This paper, which is under European management, was at one time violently against us. Dealing with the whole question from an Imperial standpoint, it concludes:

> It will, therefore, probably yet be found that the removal of the drawbacks at present incidental to the immigration of Indians into British Colonies is not to be effected so much by the adoption of the obsolete policy of exclusion as by an enlightened and progressive application of ameliorating laws to those Indians who settle in them. One of the chief objections to Indians is that they do not live in accordance with European rules. The remedy for this is to gradually raise their mode of life by compelling them to live in better dwellings and by creating among them new wants. It will probably be found easier, because more in accord with the great onward movements of mankind, to demand of such settlers that they shall rise to their new conditions than to endeavour to maintain the *status quo ante* by their entire exclusion.

We believe, also, that much of the ill-feeling is due to the want of proper knowledge in South Africa about the Indians in India. We are, therefore, endeavouring to educate public opinion in South Africa by imparting the necessary information. With regard to the legal disabilities we have tried to influence in our favour the public opinion both in England and here. As you know both the Conservatives and Liberals have supported us in England without distinction. The London *Times* has given eight leading articles to our cause in a very sympathetic spirit. This alone has raised us a step higher in the estimation of Europeans in South Africa and has considerably affected

for the better the tone of newspapers there. The British Committee of the Congress has been working for us for a very long time. Ever since he entered Parliament, Mr. Bhownaggree has been pleading our cause in season and out of season. Says one of our best sympathisers in London:

> The wrong is so serious that it has only to be known in order, I hope, to be remedied. I feel it my duty on all occasions and in all suitable ways to insist that the Indian subjects of the Crown should enjoy the full status of British subjects throughout the whole British Empire and in allied States. This is the position which you and our Indian friends in South Africa should firmly take up. In such a question compromise is impossible. For any compromise would relinquish the fundamental right of the Indian races to the complete status of British subjects—a right which they have earned by their loyalty in peace and by their services in war, a right which was solemnly guaranteed to them by the Queen's Proclamation in 1858 and which has now been explicitly recognised by Her Majesty's Government.

Says the same gentleman in another letter:

> I have great hopes that justice will in the end be done. You have a good cause. . . . You have only to take up your position strongly in order to be successful. That position is that the British Indian subjects in South Africa are alike, in our own Colonies and in independent friendly States, being deprived of their status as British subjects guaranteed to them by the Sovereign and the British Parliament.

An ex-Liberal member of the House of Commons says:

> You are infamously treated by the Colonial Government and you will be so treated by the Home Government if they do not compel the Colonies to alter their policy.

A Conservative member says:

> I am quite aware that the situation is surrounded with many difficulties, but some points stand out clear and, as far as I can make out, it is true to say that breaches of what in India is a civil contract are punishable in South Africa as though they were criminal offences. This is beyond doubt contrary to the principles of the Indian Code and seems to me an infringement of the privileges guaranteed to British subjects in India. Again, it is

perfectly evident that in the Boer Republic and possibly in Natal, it is the direct obvious intention of the Government to "hunt" natives of India and to compel them to carry on their business under degrading conditions. The excuses which are put forward to defend the infringements of the liberties of British subjects in the Transvaal are too flimsy to be worth a moment's attention.

Yet another Conservative member says:

> Your activity is praiseworthy and demands just. I am, therefore, willing to help you as far as lies in my power.

Such is the sympathy evoked in England. Here, too, I know we have the same sympathy, but I humbly think that our cause may occupy your attention still more largely.

What is required in India has been well put by the *Moslem Chronicle* in a forcibly-written leader:

> What with a strong and intelligent public opinion here and a well-meaning Government, the difficulties we have to contend with are not at all commensurate with those that retard the well-being of our countrymen in that country. It is, therefore, quite time that all public bodies should at once turn their attention to this important subject to create an intelligent public opinion with a view to organize an agitation for the removal of the grievances under which our brethren are labouring. Indeed, these grievances have become and are day by day becoming so unbearable and offensive that the requisite agitation cannot be taken up one day too soon.

I may state our position a little more clearly. We are aware that the insults and indignities that we are subjected to at the hands of the populace cannot be directly removed by the intervention of the Home Government. We do not appeal to it for any such intervention. We bring them to the notice of the public so that the fair-minded of all communities and the Press may, by expressing their disapproval, materially reduce their rigour and, possibly, eradicate them ultimately. But we certainly do appeal, and we hope not vainly, to the Home Government for protection against reproduction of such ill-feeling in legislation. We certainly beseech the Home Government to

disallow all the Acts of the Legislative bodies of the Colonies restricting our freedom in any shape or form. And this brings me to the last question, namely, how far can the Home Government interfere with such action on the part of the Colonies and the allied States. As for Zululand, there can be no question, since it is a Crown Colony directly governed from Downing Street through a Governor. It is not a self-governing or a responsibly-governed Colony, as the Colonies of Natal and the Cape of Good Hope are. With regard to the last two, their Constitution Act provides that Her Majesty may disallow any act of the local Parliament within two years, even after it has become law having received the Governor's assent. That is one safeguard against oppressive measures by the Colonies. The Royal instructions to the Government, as also the Constitution Act, enumerate certain Bills which cannot be assented to by the Governor without Her Majesty's previous sanction. Among such are Bills which have, for their object, class legislation, such as the Franchise Bill or Immigration Bill. Her Majesty's intervention is, thus, direct and precise. While it is true that the Home Government is slow to interfere with the Acts of the Colonial Legislatures, there are instances where it has not hesitated to put its foot down on occasions less urgent than the present one. As you are aware, the repeal of the first Franchise Bill was due to such wholesome intervention. What is more, the Colonists are ever afraid of it. And as a result of the sympathy expressed in England and the sympathetic answer given by Mr. Chamberlain to the Deputation that waited on him some months ago, most of the papers in South Africa, at any rate in Natal, have veered round considerably. As to the Transvaal, there is the Convention. As to the Orange Free State, I can only say that it is an unfriendly act on the part of a friendly State to shut her doors against any portion of Her Majesty's subjects. And as such, I

humbly think it can be effectively checked.

It may not be amiss to quote a few passages from the London *Times* articles, bearing on the question of intervention as well as the whole question generally:

> The whole question resolves itself into this. Are Her Majesty's Indian subjects to be treated as a degraded and an outcaste race by a friendly Government or are they to have the same rights and status as other British subjects enjoy? Are leading Muhammadan merchants, who might sit in the Legislative Council at Bombay, to be liable to indignities and outrages in the South African Republic? We are continually telling our Indian subjects that the economic future of their country depends on their ability to spread themselves out and to develop their foreign trade. What answer can our Indian Government give them if it fails to secure to them the same protection abroad which is secured to the subjects of every other dependency of the Crown?
>
> It is a mockery to urge our Indian fellow-subjects to embark on external commerce if the moment they leave India they lose their rights as British subjects and can be treated by foreign Governments as a degraded and an outcaste race.

In another article it says:

> The matter is eminently one for good offices and for influence for that "friendly negotiation" which Mr. Chamberlain promises, though he warns the deputation that it may be tedious and will certainly not be easy. As to the Cape Colony and Natal, the question is to a certain extent simplified since, of course, the Colonial Office can speak to them with greater authority.
>
> The incident is one of those which suggests wider questions than any that directly offer themselves for official replies. We are at the centre of a world-wide Empire at a period when locomotion is easy and is every day becoming easier, both in time and cost. Some portions of the Empire are crowded, others are comparatively empty, and the flow from the congested to the under-peopled districts is continuous. What is to happen when subjects differing in colour, religion and habits from ourselves or from the natives of a particular spot emigrate to that spot for their living? How are race prejudices and antipathies, the jealousies of trade, the fear of competition to be controlled? The answer, of course, must be—by intelligent policy at the Colonial Office.
>
> Small as are the requirements of the Indians, the steady growth

of the population of India is such that a certain outward movement is inevitable, and it is a movement that will increase. It is very desirable that our White fellow-subjects in Africa should understand that there will, in all probability, be this current flowing from India, that it is perfectly within the rights of the British Indian to seek his subsistence at the Cape, and that he ought, in the common interest of the Empire, to be well treated when he comes there. It is indeed to be feared that the ordinary Colonist, wherever settled, thinks much more of his immediate interests than of those of the great empire which protects him, and he has some difficulty in recognising a fellow-subject in the Hindu or the Parsee. The duty of the Colonial Office is to enlighten him and to see that fair treatment is extended to British subjects of whatever colour.

Again:

In India, the British, the Hindu and the Mussalman communities find themselves face to face with the question as to whether at the outset of the new industrial movements which have been so long and anxiously awaited, Indian traders and workers are or are not to have the same status before the law as all other British subjects enjoy. May they or may they not go freely from one British possession to another and claim the rights of British subjects in allied States? Or are they to be treated as outcaste races subjected to a system of permits and passes when travelling on their ordinary business avocations and relegated, as the Transvaal Government would relegate them, to a ghetto at the permanent centres of their trade? These are questions which apply to all Indians who seek to better their fortunes outside the limits of the Indian Empire. Mr. Chamberlain's words and the determined attitude taken up by every section of the Indian press show that to such questions there can be but one answer.

I shall take the liberty to give one more quotation from the same journal:

The question with which Mr. Chamberlain was called upon to deal cannot be so easily reduced to concrete terms. On the one hand, he clearly laid down the principle of the "equal rights" and equal privileges of all British subjects in regard to redress from foreign States. It would, indeed, have been impossible to deny that principle. Our Indian subjects have been fighting the battles of Great Britain over half the old world with a loyalty and courage

which have won the admiration of all British men. The fighting reserve which Great Britain has in the Indian races adds greatly to her political influence and prestige, and it would be violation of the British sense of justice to use the blood and the valour of these races in war and yet to deny them the protection of the British name in the enterprises of peace. The Indian workers and traders are slowly spreading across the earth from Central Asia to the Australian Colonies and from the Straits Settlements to the Canary Islands. Wherever the Indian goes he is the same useful, well-doing man, law-abiding under whatever form of Government he may find himself, frugal in his wants and industrious in his habits. But these very virtues make him a formidable competitor in the labour markets to which he resorts. Although numbering in the aggregate some hundreds of thousands, the immigrant Indian labourers and small dealers have only recently appeared in the foreign countries or British Colonies in numbers sufficient to arouse jealousy and to expose them to political injustice. But the facts which we brought to notice in June, and which were urged on Mr. Chamberlain by a deputation of Indians last week, show that the necessity has now arisen for protecting the Indian labourer from such jealousy and for securing to him the same rights as other British subjects enjoy.

Gentlemen, Bombay has spoken in no uncertain terms. We are yet young and inexperienced, we have a right to appeal to you, our elder and freer brethren, for protection. Being under the yoke of oppression, we can merely cry out in anguish. You have heard our cry. The blame will now lie on your shoulders if the yoke is not removed from our necks.[1]

From a copy of the Address printed at The Price Current Press, Madras, in 1896 and circulated by Gandhiji at the meeting.

[1] The meeting later adopted a resolution protesting against the ill-treatment of South African Indians and calling for relief.

10. A MESSAGE OF THANKS

MADRAS,
October 27, 1896

TO
THE EDITOR
The Hindu
MADRAS

SIR,

It would be ungrateful on my part if I did not thank the Madras public for rallying round the cause of the British Indians in South Africa as they did so admirably last evening. Indeed, all seemed to have vied with one another in making the meeting a huge success which it evidently was. I beg to thank you for your cordial support to the movement. It, perhaps, shows the absolute righteousness of the cause and the reality of our grievances. My special thanks are due to the courteous Secretaries of the Madras Mahajana Sabha, who worked with unremitting zeal in organizing the meeting and made the cause their own. I only hope that the sympathy and support, thus far extended, will be continued and we shall not be long in securing justice. I beg to assure you and the public that the news of the last night's meeting, when it reaches South Africa, will fill the hearts of the Indians with gladness and joy and thankfulness. Such meetings will form a silver lining to the cloud of distress that is hanging over our heads. As it was very late last evening I was unable to give expression to the above sentiments. Hence this letter.

The scramble for the copies of the pamphlet[1] was a scene

[1] The first edition of the Green Pamphlet.

I will not easily forget. I am issuing a second edition of the pamphlet, and as soon as the copies are ready, they can be had from the obliging Secretaries of the Sabha.

M. K. GANDHI

The Hindu, 28-10-1896

11. LETTER TO F. S. TALEYARKHAN

GREAT EASTERN HOTEL,
CALCUTTA,
November 5, 1896

DEAR MR. TALEYARKHAN,

Your last letter was redirected to me here. I wrote to you from Madras informing you of my address in Calcutta and wrote to you after my arrival here. I hope you received both the letters.

It is quite true that you will be making a pecuniary sacrifice in going to Natal. But I am sure the cause is worth the sacrifice.

I shall endeavour to catch the *Courland* which is expected to leave before the 20th instant. I wish you could be ready by that time.

Will you consider the new Franchise Law of Natal and get the opinion of the eminent lawyers in Bombay if they would do so gratis? You will find the text of the Bill in the Franchise memorial and one legal opinion on it in the pamphlet. Any opinion obtained here will be very useful to us in Natal.

I believe the meeting here will come off Friday week. The matter will be finally decided tomorrow.

I am,
yours sincerely,
M. K. GANDHI

Copied from the original. Courtesy: R. F. S. Talyarkhan

12. INTERVIEW TO "THE STATESMAN"

The following is the report of an interview which a representative of The Statesman *had with Gandhiji in Calcutta during his tour in India.*

November 10, 1896

"Will you please tell me, Mr. Gandhi, in a few words," *The Statesman* interviewer said, "something of the grievances of the Indians in South Africa?"

"There are Indians," Mr. Gandhi replied, "in many parts of South Africa—in the Colonies of Natal, the Cape of Good Hope, the South African Republic, the Orange Free State, and elsewhere, in all of which, more or less, they are denied the ordinary rights of citizenship. But I more particularly represent the Indians in Natal, who number about fifty thousand in a total population of some five hundred thousand. The first Indians were, of course, the coolies who were taken over under indentures from Madras and Bengal for the purpose of labouring in the various plantations. They were mostly Hindus, but a few of them were Mohamedans. They served their contract time, and on obtaining their freedom they elected to stay in the country, because they found that, as market gardeners or hawkers of vegetables, they could earn from three to four pounds sterling per month. In this way, there are, at present, about thirty thousand free Indians settled in the Colony, while some sixteen thousand others are serving their indentures. There is, however, another class of Indians, numbering about five thousand, Mohamedans from the Bombay side who have been attracted to the country by the prospects of trade. Some of the latter are doing well. Many are landowners in a large way, while two own ships. The Indians have been settled in the country for twenty years and more, and,

being prosperous were contented and happy."

"What, then, was the cause of all the present trouble, Mr. Gandhi?"

"Simply trade jealousy. The Colony was desirous of securing all possible benefit from the Indians as labourers, because the natives of the country will not work in the fields, and the Europeans cannot. But the moment the Indian entered into competition with the European as a trader, he found himself thwarted, obstructed, and insulted by a system of organized persecution. And gradually, this feeling of hatred and oppression has been imported into the laws of the Colony. The Indians had been quietly enjoying the franchise for years, subject to certain property qualifications, and, in 1894, there were 251 Indian voters on the register against 9,309 European voters. But the Government suddenly thought, or pretended to think, that there was danger of the Asiatic vote swamping the European, and they introduced into the Legislative Assembly a Bill disfranchising all Asiatics, save those who were then rightly contained in any Voters' List. Against this Bill, the Indians memorialized both the Legislative Assembly and the Legislative Council; but to no purpose, and the Bill was passed into law. The Indians then memorialized Lord Ripon, who was in those days at the Colonial Office. As a result, that Act has now been repealed and replaced by an Act which says: 'The natives, or descendants in the male line of natives, of countries which have not hitherto possessed elective representative institutions founded on the parliamentary franchise shall not be placed on any Voters' List unless they shall first obtain an order from the Governor-in-Council exempting them from the operation of the Act.' It also exempts from its operation those persons who are rightly contained in any Voters' List. This Bill was first submitted to Mr. Chamberlain, who has practically approved of it. We have yet thought it advisable to oppose

it, and with a view to secure its rejection, we have sent a memorial to Mr. Chamberlain, and hope to secure the same measure of support that has been extended to us hitherto."

"Then are we to understand," the interviewer asked, "that the Indians in Natal—the great bulk of whom are coolies, who would never have aspired to free institutions in their own country—are desirous of wielding political power in Natal?"

"By no means," Mr. Gandhi replied, "We are most careful to put out, in all our representations to the Government and the public, that the object of our agitation is merely the removal of vexatious disabilities devised, as we believe, to degrade us as compared to the European population. With the object of still further discouraging Indian colonization, the Natal Legislature has passed a Bill to keep indentured Indians under contract for the whole term of their stay in the Colony; and if they object to renew their contract at the end of their first term of five years, to send them back to India, or, if they decline to return, to compel them to pay an annual tax of £3 per head. Unfortunately for us, the Indian Government, on the *ex parte* representation of a Commission that visited India from Natal in 1893, have accepted the principle of compulsory indenture; but we are memorializing both the Home and the Indian Governments against it."

"We have heard much," the interviewer reminded Mr. Gandhi, "of daily annoyances to which Indians in Natal are said to be subjected at the hands of the White Colonists."

"Oh, yes!" he replied, "and the law supports the Europeans in this system of persecution, either openly or covertly. The law says that an Indian must not walk on the footpaths, but pass along the middle of the road; that he must not travel either first or second class on the railways; that he must not be out of his house

without a pass after nine o'clock at night; that he must take out a pass if he wishes to drive cattle; and so on. Imagine the tyranny of these special laws! For the infraction of them, Indians—men of the highest respectability who might sit in your Legislative Councils—are daily insulted, assaulted, and taken up by the police. And in addition to these legal disabilities, there are social disqualifications. No Indian is permitted in the tram-cars, in the public hotels, in public baths."

"Well, but, Mr. Gandhi, suppose you succeed in having the legal disabilities removed, what about the social disqualifications? Will they not pinch, and gall and fret you a hundred times oftener than the thought that you cannot return a member to the Legislative Assembly?"

"We hope," Mr. Gandhi rather doubtfully explained, as he said good-bye, "that when the legal disabilities are removed, the social persecution will gradually disappear."

The Statesman, 12-11-1896

13. THE INDIANS IN SOUTH AFRICA

CALCUTTA,
November 13, 1896

TO

THE EDITOR
The Englishman
CALCUTTA

SIR,

"Send Mohanlal (my Christian name) road enforcing Indians to locations." These are the words of a telegram received yesterday from Natal by the agents, at Bombay, of Messrs. Dada Abdulla and Co., a leading Indian firm in South Africa. The Agents very kindly telegraphed the

message to me. This renders it absolutely necessary for me to leave Calcutta abruptly.

"Road" is an error. I believe it means "Rhodes",[1] meaning the Cape Government. The message means, therefore, that the Cape Government are enforcing Indians to locations. And it is not unlikely, as the Cape Parliament has empowered the East London Municipality to remove the Indians to locations. Yet, seeing that the whole Indian question is now pending before Mr. Chamberlain, such active operations might have been suspended for a time.

The message shows the tremendous importance of the question as well as the feeling of the Indian community in South Africa about the matter. Had they not felt the indignity keenly they would not have sent an expensive message. The removal may even mean ruin to the Indian traders affected. But who cares for the welfare of the Indian in South Africa?

The London *Times* says as follows:

> In India the British, the Hindus and the Mussalman communities find themselves face to face with the question as to whether, at the outset of the new industrial movements which have been so long and anxiously awaited, Indian traders and workers are or are not to have the same status before the law as all other British subjects enjoy. May they or may they not go freely from one British possession to another and claim the rights of British subjects in allied States? Or are they to be treated as outcaste races, subjected to a system of permits and passes when travelling on their ordinary business avocations, and relegated, as the Transvaal Government would relegate them, to a ghetto at the permanent centres of their trade? These are questions which apply to all Indians who seek to better their fortunes outside the limits of the Indian Empire. Mr. Chamberlain's words and the determined attitude taken up by every section of the Indian Press show that to such questions there can be but one answer.

[1]Later, Gandhiji discovered that the word used in the original telegram was 'Raad' the Dutch equivalent for the Legislative Assembly. See his letter dated November 30, 1896, to *The Englishman*, pp. 138-9, *infra*.

It is clear, therefore, that the question affects not only the Indians at present residing in South Africa, but all who may wish to seek fortunes outside India, and that there can be but one answer to the question. I hope there will be only one answer.

If all the Associations, Anglo-Indian and Indian, were to protest against the disabilities that are being heaped upon the Indians in that country, and if every important town in India were to hold meetings to express disapproval of the ill-treatment, I venture to think, that will not be doing too much.

It is necessary that the public here should know what activity the various Governments in South Africa are showing, and what pressure is being placed upon the Colonial Office at home to bring the matter to a successful issue from their standpoint. Public meetings are being held all over the country asking the Governments to put a stop to the 'coolie' immigration. Mayors of the different towns have been meeting in Congress and passing resolutions desiring the restriction of the Asiatic influx. Sir Gordon Sprigg, the Cape Premier, is in active communication with the Colonial Office about the matter and is hopeful of a satisfactory result. Mr. Maydon, a prominent politician in Natal, has been telling his audiences that the friends of the Colony in England are doing everything to vigorously put forward the Colonial view before Mr. Chamberlain. Sir John Robinson, the Natal Premier, has gone to England to recoup his health and to discuss important State matters with Mr. Chamberlain. Almost all the newspapers in South Africa have been discussing the matter from the Colonial point of view. These are only some of the forces that are at work against us. As an ex-member of Parliament says in a letter of sympathy: "The whole struggle is unequal", but, "justice is on our side." Were not the cause absolutely just and righteous it would have received its death-blow long ago.

. One thing more. The matter demands immediate attention. The question is now pending. It cannot long remain undecided. And if it is decided unfavourably to the Indians it will be difficult to have it reopened. Now, therefore, is the time for the Anglo-Indian and the Indian public to work in our behalf. Or it will be never. "The wrong," says a distinguished Conservative, "is so serious that it has only to be known, I hope, to be remedied."

Yes, Sir, I implore the Anglo-Indian public also to help us actively. We have not restricted our advances to one body or only one section of the community. We have ventured to approach all and so far we have received sympathy from all. The London *Times* and *The Times of India* have been advocating our cause for a long time. All the newspapers in Madras have fully supported us. You have given us your ungrudging support and laid us under deep obligation. The British Committee of the Congress has rendered us invaluable help. Ever since he entered Parliament, Mr. Bhownaggree has been on the alert on our behalf. He has been ventilating our grievances in season and out of season. Many other Conservative members of the House of Commons have extended their support to us. It is not therefore simply a matter of form that we appeal to the Anglo-Indian public. I venture to ask all your contemporaries to copy this letter. Had I been able, I would have sent copies to all the papers.[1]

M. K. GANDHI

The Englishman, 14-11-1896

1 Gandhiji left Calcutta for Bombay on November 13. *Vide* p. 149, *infra*.

14. INTERVIEW TO "THE ENGLISHMAN"

During his stay in Calcutta Gandhiji was interviewed by a representative of The Englishman. *He was asked when the antipathy of the South African Whites to Indians first began to manifest itself. The following are Gandhiji's replies to this and other questions put to him.*

[*November 13, 1896*]

"There has always been a dislike of the Indian from the first days of their migration to Africa, but it was only when our people began to trade that the antipathy became marked and took shape in the imposition of disabilities."

"Then all these grievances you speak of are the outcome of commercial jealousy and prompted by self-interest?"

"Precisely. That is just the root of the whole matter. The Colonists want us cleared out because they do not like our traders competing with them."

"Is the competition a legitimate one? I mean, is it entered into and conducted on a fair and open basis?"

"The competition is an open one, and conducted by the Indians in a perfectly fair and legitimate manner. Perhaps a word or two as to the general system of trading may make matters clear. The bulk of Indians engaged in trafficking are those who get their goods from the large European wholesale houses, and then go about the country hawking them. Why, I may say that the Colony of Natal, of which I speak particularly from knowledge and experience, is practically dependent for its supplies on these travelling traders. As you know, shops are scarce in those

parts, at least away from the towns, and the Indian gets an honest livelihood by supplying the deficiency. It is said that the petty European trader has been displaced. This is true to a certain extent; but then it has been the fault of the European trader. He has been content to stop in his shop, and customers have been compelled to come to him. It is not to be wondered at, therefore, that when the Indian, at no small trouble, takes the goods to the customers, he readily finds a sale. Moreover, the European trader, no matter in however small a way, will not hawk his goods about. Perhaps the strongest proof of the trading capabilities of the Indian and, generally speaking, of his integrity, is to be found in the fact that the great houses will give him credit, and, in fact, many of them do the bulk of their trade through his agency. It is no secret that the opposition to the Indian in Natal is but partial, and by no means represents the real feelings of a good portion of the European community."

"What, briefly, are the legal and other disabilities placed upon the Indian residents in Natal?"

"Well, first there is the 'curfew' law which prohibits all 'coloured' persons being out after nine o'clock at night without a permit from their master, if indentured servants, or unless they can give a good account of themselves. The great cause of complaint on this score is that this law may be used by the police as an engine of oppression. Respectable, well-dressed, educated Indians are sometimes subjected to the humiliation of arrest by a policeman, being marched to the lock-up, incarcerated for the night, brought before the Magistrate next morning and dismissed without a word of apology when their *bona fides* have been established. Such occurrences are by no means rare. Then there is the deprivation of the franchise, which was brought out in the article you published. The fact is the Colonists do not want the Indian

to form part of the South African nation—hence the taking away from him of franchise rights. As a menial, he can be tolerated, as a citizen, never."

"What has been the attitude of the Indians on this question of the exercise of political rights in an alien country?"

"Simply that of the person who claims to enjoy the same rights and privileges in a country as those who are not native to the country freely enjoy. Politically speaking, the Indian does not want the vote; it is only because he resents the indignity of being dispossessed of it that he is agitating for its restitution. Moreover, the classifying of all Indians in one category and the non-recognition of the just place of the better class, is felt to be a great injustice. We have even proposed the raising of the property qualifications and the introduction of the education test, which would surely give the hall-mark of fitness to every Indian voter, but this has been contemptuously rejected, proving that the sole object is that of discrediting the Indian and depriving him of all political power, so that he will be forever helpless. Then there is the crippling imposition of the £3 poll-tax per annum on all who remain in the country after fulfilling their indenture. Again, the Indian has no social status; in fact, he is regarded as a social leper—*a pariah*. Indignities of all kinds are heaped upon him. No matter what his station may be, an Indian throughout South Africa is a coolie, and as such he is treated. On the railway he is restricted to a certain class, and, although in Natal he is permitted to walk on the footpath, this is refused him in other States."

"Will you tell me something about the treatment of Indians in these States?"

"In Zululand no Indians can buy landed property in the townships of Nondweni and Eshowe."

"Why was the prohibition imposed?"

"Well, in the township of Melmoth, which was the first established in Zululand, there were no such regulations

and the Natal Indians availed themselves of the right to buy landed property, which they did to the extent of over £2,000 worth. Then the prohibition was passed and made to apply to townships subsequently founded. It was purely trade jealousy, the fear being that the Indians would enter Zululand for trade purposes as they had done in Natal.

In the Orange River Free State, the Indian has been made impossible by simply classifying him with the Kaffir. It is not permitted him to hold immovable property, and every Indian settler in the State has to pay an annual tax of ten shillings. The injustice of these arbitrary laws may be gauged from the fact that when they were promulgated the Indians, mostly traders, were compelled to leave the State without the slightest compensation, causing losses to the extent of £9,000. Matters in the Transvaal are hardly any better. Laws have been passed which prohibit the Indian from engaging in trade or residing otherwise than in specific localities. On the latter point, however, proceedings are pending in the Law Courts. A special registration fee of £7 has to be paid, the nine o'clock rule is operative, walking on the footpath is forbidden (at least this is so in Johannesburg); and travelling first and second class on the railways is not permitted. So you will see that the Indian's life in the Transvaal is not altogether a pleasant one. And yet, in spite of all these disabilities, nay, unwarrantable indignities and insults, the Indian, unless Mr. Chamberlain interferes, will be liable to compulsory military service. According to the Commandeering Treaty, all British subjects were exempted from this service, but, when the Transvaal Volksraad was considering the point, they added a resolution to the effect that the British subjects mean "Whites" only. The Indians, however, memorialized the Home Government on this question. Cape Colony, following on the same lines, has recently empowered the East London Municipality to prohibit trading by Indians, walking on the

footpaths and limiting them to residence in certain locations. So you see almost everywhere in South Africa there is a dead set against the Indians. Yet we ask no special privileges, we only claim our just rights. Political power is not our ambition, but to be let alone to carry on our trading, for which we are eminently suited as a nation, is all we ask. This is, we think, a reasonable demand."

"So much for these grievances, which seem to be general throughout South Africa. Now, tell me, Mr. Gandhi, how do Indian advocates fare in the Law Courts?"

"Oh ! there is no distinction between advocates and attorneys of whatever race; in the Courts, it is only a question of ability. There are many lawyers in the Colony, but, on the whole, forensic talent cannot be said to be of a very high order. A good many European pleaders are to be found, and it goes without saying that those with English training and degrees monopolize the practice of the Courts. But I suppose, it is the English degree, for those of us who have taken it, which places us more on a level footing. Those with an Indian degree only would be out of place. There is scope, I believe, for Indian lawyers in South Africa, if at all sympathetically disposed to their fellow-countrymen."

As to the political aspect of affairs in South Africa, Mr. Gandhi preferred not to commit himself.

The Englishman, 14-11-1896

15. ADDRESS IN POONA

Gandhiji addressed a meeting of the citizens of Poona, held under the auspices of the Sarvajanik Sabha at Joshi Hall, on November 16, 1896, on the grievances of Indians in South Africa. Dr. R. G. Bhandarkar presided. After Gandhiji had spoken, the meeting passed a resolution moved by Lokamanya Tilak, sympathizing with the Indians in South Africa and authorizing a committee, composed of Dr. Bhandarkar, Lokamanya Tilak, Professor G. K. Gokhale and six others, to submit a memorial to the Government of India on the disabilities imposed on the Indians. No report of Gandhiji's speech has become available from the usual sources. The following account, containing a brief reference to Gandhiji's speech, is a confidential report prepared in Poona for The Home Department of the Government of India.

November 16, 1896

"The lecture consisted chiefly of extracts read from a pamphlet[1] on the subject, with here and there running comments thereon. This pamphlet contains an account of the various ways in which natives of India are treated in South Africa, and winds up with the names of people, said to represent the Indian community in South Africa, who have appointed Mr. Gandhi to represent their grievances to the authorities and the general public.

The lecturer asked his audience to do all they could to bring about an amelioration of the lot of the South African Indians by representations and applications to Government."

Bombay Police Abstracts 1896, p. 405.

[1] The Green Pamphlet.

16. TELEGRAM TO THE VICEROY[1]

November 30, 1896

I RECEIVED WIRE FROM INDIANS IN SOUTH AFRICA SAYING THAT TRANSVAAL GOVERNMENT IS ENFORCING INDIANS TO LOCATIONS. THIS IS APPARENTLY DESPITE MR. CHAMBERLAIN'S REQUEST TO STAY ACTION UNTIL TEST CASE TRIED. I VENTURE TO THINK THAT THIS ACTION BY TRANSVAAL IS BREACH OF INTERNATIONAL COURTESY IF NOTHING MORE AND PRAY THAT IMMEDIATE ACTION WILL BE TAKEN TO STAY REMOVAL TO LOCATIONS. THE EXISTENCE OF HUNDREDS OF BRITISH INDIANS IS AT STAKE.

The Bengalee, 1-12-1896

[1] This version o Gandhiji's telegram to the Viceroy is based on the full text published in *The Bengalee* of 1-12-1896. The relevant Government file for the period was included in some of the Government records destroyed in the ordinary course, as not necessary for preservation, by the Government of India before Indian Independence. Hence the original telegram received by the Viceroy is not available. Gandhiji had sent a copy of the telegram also to *The Times of India* which, after editing it and dropping the last sentence, published it in its issue of 30-11-1896.

17. *THE INDIANS IN SOUTH AFRICA*

BOMBAY,
November 30, 1896

TO
THE EDITOR
The Englishman
CALCUTTA

SIR,

With reference to my letter in connection with the grievances of the Indians in South Africa, dated the 13th instant, I happened to read the original telegram received from South Africa. It reads "raad" and not "road" as in the message received by me in Calcutta. The meaning is now quite clear. It is that the Transvaal Government are enforcing Indians to locations. This makes the matter still more serious, if possible.

The High Commissioner for South Africa, in accepting the award of the arbitrator in connection with the Indian question in that Republic, writes as follows in a telegram, dated the 24th of June, 1895, A.D. :

> The Secretary of State has received a telegram from the Indians stating that they have received notice to remove and praying that action may be stayed. I therefore urge Your Honour's Government to stay action until the resolution and circular of 1893 have been cancelled and the law brought in harmony with the award when a test case can be tried in the courts of the South African Republic.

The resolution and the circular referred to have been cancelled, but so far as I know, and I have been receiving here the South African papers regularly, a test case has not been tried. Evidently, therefore, the action of the Transvaal Government is premature, and,

I venture to think, constitutes a breach of international courtesy, if nothing more. I venture to remind you that the assets of the Indians in the Transvaal amount to over £100,000, and that removal to locations would practically mean ruin to the Indian traders. The question, therefore, in its immediate aspect involves the very existence of hundreds of Her Majesty's subjects whose only fault is that they are "sober, thrifty and industrious."

I submit that the matter demands the most urgent and immediate attention of the whole public in India.

M. K. GANDHI

The Englishman, 8-12-1896

18. STATEMENT OF EXPENSES ON DEPUTATION TO INDIA

Gandhiji was given a draft for £75 to cover the travelling, printing and other out-of-pocket expenses in connection with his tour in India. The detailed account of expenditure, which Gandhiji maintained and submitted to the Natal Indian Congress after his return from India, is reproduced below. Incidentally, it throws light on some aspects of his personality, manifest even at that early age.

Dr. to M. K. Gandhi
The Natal Indian Congress

Out-of-pocket expenses in connection with the movement in India with regard to the grievances of the British Indians in South Africa.

	[RS. A. P.]
5th July (1896)	
Carriage from morning to afternoon and previous evening at Allahabad—visiting editors etc.	6– 0–0

Hotel bill	5- 8-0
Papers	2-12-6
Gratuity	0- 8-0
[? . . . August]	
Luggage containing pamphlets etc.	4- 8-0
Half-fare return ticket—Bombay to Rajkot	20- 1-6
17th August	
Water at Wadhwan	0- 2-0
Porter	0- 4-0
Poor man	0- 1-0
Telegraph Boy	0- 1-0
Station Peon	0- 4-0
19th August	
Carriage to G. [Grant] Road	0- 5-0
G. Road to Bandra & back	0-12-0
G. Road to Pydhuni	0- 4-0
20th August	
Carriage—House to Fort	0- 5-0
Fort to G.B.K. Road	0-10-0
House to Apollo Bunder	0-12-0
Apollo Bunder to Market	0- 1-0
Market to House	0- 2-0
21st August	
Carriage	0- 5-0
Stamps	1- 0-0
22nd August	
Carriage	1- 7-0
Fruit	2- 0-0
24th August	
Carriage	0- 4-0
25th August	
Carrriage	0- 4-0

27th August	
Carriage	0– 1–0
Lalu—Gratuity	1– 0–0
31st August	
Blacking Ink	0– 1–0
1st September	
Tram fare	0– 4–0
3rd September	
Ink	0– 4–0
Washerman	0– 8–0
Paper	0– 2–0
4th September	
Stamps	1– 0–0
11th September	
Cards	1– 4–0
Carriage	0–12–0
Boy	0– 2–0
Carriage to Station	0– 6–0
Congress Report	1– 0–0
Ticket to Rajkot and back	48– 3–3
Passes	0– 2–0
Gratuity to Cook & Servant	2– 0–0
Pencil	0– 3–0
Papers	1– 0–0
Telegram	1– 0–0
Fruit	0–10–6
Carriage	0– 4–0
23rd September	
Porterage at Wadhwan	1– 0–0
24th September	
Driver—Gratuity	0– 8–0
Stamps	1– 0–0
Paper	0–14–0
Luggage	13–8–0

Porters	0–12–0
Water and peon	0– 6–0
Stamps for pamphlets	30– 0–0
Water	0– 0–6
Telegram	1– 0–0
25th September	
Carriage from Station to House	1– 4–0
Carriage and Tram	0– 9–0
26th September	
Carriage	0– 4–0
27th September	
Carriage	0– 8–0
28th September	
Papers	1– 4–0
Platform pass	0– 0–6
Carriage	0– 5–0
30th September	
Carriage	0–10–0
9th October	
Carriage	0– 4–0
Carriage and Papers	0– 8–6
Champion	0– 4–0
Photograph	0–15–0
10th October	
Times	0– 8–0
Tram	0– 2–0
Soap	0– 1–0
11th October	
Fare to Madras	49–11–0
Guide	0– 1–0
Telegram to Mr. Sohoni[1]	2– 0–0
Luggage	5– 8–0

1 A colleague of Gokhale. *Vide* letter to Gokhale, p. 89, *supra*.

Soap	0– 4–0
Carriage	0– 4–0
Porter	0– 4–0
Pass	0– 2–0
12th October	
Carriage at Poona	1– 0–0
Porter	0– 4–0
Charity	0– 8–0
Carriage (whole day)	4– 8–0
Porters	1– 0–0
Mr. Sohoni's son	1– 0–0
Coffee	0– 6–0
Paper	0– 2–0
Boy	0– 2–0
13th October	
Breakfast	0–14–0
Luncheon	1–14–0
Dinner	2– 2–0
Fruit	0– 2–0
Water	0– 1–0
14th October	
Railway Station Madras	0– 4–0
Guide	0– 4–0
Porter	0– 2–0
Carriage (whole day)	4– 2–3
Trickman	0– 0–6
Papers and Envelopes	2–10–0
Carriage for Station	1– 8–0
15th October	
Carriage	4– 6–0
Letter carrier	0–10–0
Paper	0– 4–0
Tram	0– 1–0
16th October	
Stamps	1– 0–0
Carriage	2– 3–0

Paper	0– 8–0
Dhobi	1– 0–0
17th October	
Papers	0–14–0
Carriage (whole day)	4– 3–0
18th October	
Carriage (half day)	2– 3–0
Andrews' Donation	7– 0–0
Sulphur Ointment	0– 2–0
19th October	
Tram fare	0– 9–0
Telegram to Wacha[1]	1– 6–0
Papers	1– 0–0
20th October	
Dhobi	0– 4–0
Papers	0–12–0
Pankha coolie	0– 2–0
21st October	
Note paper	0–14–0
Ink and pins	0– 3–0
Tape	0– 1–0
Magician	0– 8–0
Papers	0–10–0
Lace	0– 1–0
22nd October	
Carriage	2– 4–0
Sweets	0– 5–3
Photograph	0– 6–0
Papers	0–12–0
Tram	0–13–0
23rd October	
Carriage	5– 0–0
Tram	0–10–0
Stamps	0– 8–0

[1] Dinshaw Wacha, an important Indian leader.

24th October	
Boys at School	0–13–0
Carriage	2–10–0
Andrews	0– 8–0
Tram	0– 1–0
Letter carrier	0– 4–0
Papers	0–10–0
Dhobi	0–12–0
East Indian Assam Coolies[1]	1– 0–0
L. Councils	0– 6–0
Local Govt. returns	5– 0–0
Councils Act	0– 6–0
Foreign reports	2– 0–0
S.A.R.[2] papers [re:] grievances	0– 8–0
Statement moral & [material] progress[3]	1–12–0
Madras District [Municipal Act.]	1– 0–0
Madras Local Boards [Act]	0–10–0
Tamil books	4–12–6
Andrews for books	1– 9–0
26th October	
Tamil Books Assortment	7– 0–7
Carriage	0– 8–0
Tram fare	0– 4–0
Papers	0– 8–0
Carriage	2– 4–0

[1] The purchase of local laws and enactments indicates Gandhiji's desire to collect, for use in South Africa, as much information as possible relating to franchise and representative government in India, conditions of contract labour on the Assam Tea Estates and other allied subjects. His purchase of books in Tamil, Hindi, Urdu and Bengali shows his keenness to learn the languages largely spoken by his countrymen in South Africa.

[2] South African Republic (The Transvaal).

[3] *Statement exhibiting the moral and material progress and condition of India during the year*, issued annually for presentation to Parliament by the then Government of India.

27th October	
Carriage	3– 4–0
Inland telegrams	18–12–0
Madras Standard a/c. telegrams & address	30– 0–0
Butler's gratuity	9– 0–0
Waiter	1– 0–0
Bhangi	0– 8–0
Cook	1– 0–0
Gardener	0– 2–0
Keeper	0– 2–0
Luggage to Calcutta	3– 0–0
Andrews	5– 0–0
Hotel bill	74– 4–0
Papers	0–10–0
Dhobi	0–12–0
Punkha Coolies (14 days)	3– 4–0
Fare to Calcutta	122– 7–0
Guide	0– 2–0
Stamps	0– 4–0
Dinner at Arkonam	1– 0–0
28th October	
Breakfast	1– 6–0
Luncheon	1–13–0
Papers	0–10–0
Water	0– 0–6
Guard	0– 8–0
Dinner	2– 8–6
Porter	0– 2–0
29th October	
Breakfast	1–10–0
Coffee	0– 4–0
Porter at Manmad[1]	0– 3–0
Porter at Bhusaval[1]	0– 3–0

[1] Railway station between Bombay and Nagpur.

Pioneer	0- 4-0
Luncheon	0-11-0
Dinner	2- 6-0
Porter at Nagpur	0- 4-0
30th October	
Carriage at Nagpur	1- 8-0
Hotel	3- 4-0
Porter, waiter etc.	1-15-0
Tiffin	0- 6-0
Dinner	1-11-0
Paper	0- 4-0
1st to 7th August	
Stamps for pamphlets[1]	41- 8-0
17th August	
Telegram Bombay	1- 4-0
Thakersi: gratuity re. pamphlet work	13- 0-0
Parcel and packing 500 books	3-10-0
Note paper	2-12-0
Pickwick pens	0- 6-0
Pencils	0- 3-0
One ream paper for pamphlet posting	2- 0-0
7th August	
Thacker's Directory	25- 0-0
31st October	
Tea and Bread on way to Calcutta	0- 9-0
Breakfast	1-15-0
Tiffin	0- 7-0
Paper	0- 2-0
Porter at Station	0- 6-0
Porter at Asansol	0- 2-0

[1] Evidence of Gandhiji's active "pamphleteering" in India for the cause of the South African Indians is furnished by such items of expenditure.

Porter at Hotel	0– 4–0
Carriage to Hotel	1– 0–0
Carriage & Theatre	4–12–0
1st November	
Dhobi	0–10–6
Blacking ink brown leather Paste Brushes	1– 9–6
Carriage	3– 0–0
Stamps regd. letter	0– 5–0
Standard telegram	0– 8–0
2nd November	
Carriage	3– 0–0
Stamps	0– 4–0
Parcel—Books for Bombay	4–12–0
Letter carrier	0– 4–0
3rd November	
Carriage	3– 8–0
Hair cutting & shaving	0–10–0
Stamps	0– 8–0
Parcel men	0– 2–0
Charity	0– 0–6
4th November	
Dhobi	0– 8–0
Grinding Razor	0– 8–0
Telegram *Standard*	0– 8–0
Carriage	1–10–0
5th November	
Carriage	2– 0–0
Dhobi	0– 4–0
Butler	4– 0–0
6th November	
Carriage	5– 4–0
7th November	
Theatre	4– 0–0
Carriage	1– 4–6

8th November	
Dhobi	0– 4–0
9th November	
Hindi & Urdu Books	0–12–6
Urdu & Bengali Books	4– 8–0
Blue books	2– 8–0
Carriage	1– 2–0
Stamps	0– 8–0
Telegram P. N. Mukerjee	2– 6–0
Dhobi	0– 4–0
10th November	
Blue books Bengal Sectt.	11–12–0
Carriage	1–13–6
11th November	
Papers	0– 5–0
Letter Carrier	0– 4–0
Municipal Laws	0–12–0
Porter	0– 1–0
Carriage	1– 0–0
10th November	
Telegram *Standard*, Abdulla Coy.	4–14–0
Dhobi	0– 3–0
Letter Carrier	0– 4–0
Paper	0– 1–0
Carriage	1– 0–0
13th November	
Ticket to Bombay	91–11–0
Telegram to Tilak[1]	2– 0–0
Bengali	11–10–0
Carriage	2– 2–0
Porters	0–10–0

[1] The reference is to Lokamanya Tilak, the great Indian leader. (*Vide* p. 136, *supra*).

Water pot, water	0– 4–0
Butler	6– 0–0
Cook—gratuity	1– 0–0
Door keepers	1– 4–0
Sweeper	0– 4–0
Bathman	0–12–0
Stamps	0–12–0
Abba Mian for Parcel	3– 0–0
Hotel Bill	100–14–0
14th November	
Breakfast & gratuity	1–10–0
Luncheon	2– 0–0
Coffee	0– 5–0
Dinner	2– 2–0
Thread	0– 4–0
Apples	0– 2–0
Coachman Moosa Hussein	1– 0–0
Dhobi	0– 8–0
Telegram—Tilak	1– 2–0
15th November	
Breakfast	1–10–0
Luncheon	1– 2–0
Telegram Abba Mian	0– 8–0
Telegraph Boy	0– 0–9
Dinner	2– 6–0
Stamps	0– 2–0
16th November	
Bombay to Poona fare	14–14–0
Porter	0– 4–0
Carriage	1– 8–0
Carriage at Poona	1–10–0
Lemonade	0– 6–0
Telegram to Poona	1– 0–0
17th November	
Porter	0– 3–0
Carriage	0– 4–0

18th November	
Stamps	1- 0-0
19th November	
Carriage	0-10-0
Barber	0- 4-0
20th November	
Tram	0- 1-0
21st November	
Carriage	0- 9-0
27th November	
Stamps	0- 2-0
Papers	1- 8-0
28th November	
Carriage	0- 1-6
Champion Subs.	6- 0-0
Bombay Gazette	1- 0-0
Bombay Dist. Boards Act	2- 0-0
Cart	0- 8-0
Cook—gratuity	5- 0-0
30th November	
Ghati gratuity	2- 0-0
Servant Lalu	10- 0-0
Stamps—posting & regd. 20 letters	2- 0-0
Envelopes	0- 4-0
Pens	0- 3-0
Paper for pamphlet as per bill	84- 0-0
23rd September	
Zululand Petition[1]	15- 7-0
Immigrations Petition[2]	42- 4-0
Notes on the Grievances[3]	20- 0-0

[1] *Vide* Vol I, pp. 292-4 and pp. 303-7.
[2] ibid, pp. 215-30.
[3] *Vide* pp. 53-70, *supra*.

17th September	
Printing 6000 copies pamphlet	110– 0–0
8th September	
Bombay Address (120 copies)	50– 0–0
Regd. for Rs. 300/- to Madras	0– 3–9
Package for sending books to Calcutta	0– 4–0
Registration Calcutta Rs. 200/–	0– 3–3
September	
Times of India Directory	10–15–0
October	
Sending Rs. 100/- by Money Order	2– 1–0
Telegrams Madras	2– 0–0
November	
Note Paper	0– 3–3
30th November	
Telegram to Secty. of Viceroy[1]	5– 4–0
27th September	
Telegram to Durban	99– 6–0
21st September	
Telegram to Sir W. W. Hunter[2]	113– 2–0
Bhimbhai for copying, assisting etc. etc.	20– 0–0
Fruit	2– 6–0
Pens	0– 4–0
Stamps	0– 8–0
Porter for taking books to Institute	0– 1–3
28th November	
Congress stamp	1– 8–0

[1] *Vide* p. 137, *supra*.

[2] This is not available.

17th August			
Rajkot to Wadhwan		4–13–0	
Telegram Bombay		1– 4–0	
	Total :	Rs.	1666–6–1
29th November			
Paid *Madras Standard* on A/c Pamphlet			100–0–0
			1766–6–1[1]
Paid customs for pamphlets			0–6–6

From a hand-written office copy in the Sabarmati Sangrahalya: S. N. 1310.

[1] The total at the foot of each page and the amount carried forward to the succeeding page, in the original statement, have been omitted, and only the grand total shown.

19. INTERVIEW ON BOARD THE "COURLAND"

Recalled by cable to South Africa, Gandhiji arrived at Durban, by the Courland, *on December 18, 1896. Another ship, the* Naderi, *with some 400 Indian passengers, reached the port at the same time. The two ships, however, were not allowed to proceed beyond the outer anchorage ostensibly on the ground that Bombay, from where they had sailed, was infected with plague. They were put under extended quarantine for over three weeks. On shore, an intense agitation by Europeans was afoot to oppose the landing of the Indians which was exaggerated into a large-scale "Asiatic Invasion". On January 13, 1897, Gandhiji was interviewed, on board the ship, by a representative of* The Natal Advertiser. *The following is the report of the interview.*

January [13],[1] *1897*

"How do you view the proceedings of the Demonstration Committee?"[2] was the first leading question put to him.

"I certainly think the Demonstration is most ill-advised, especially proceeding from a number of Colonists who say they are loyal to the British Crown, and I should never have expected that the thing would go so far. They are showing a most decided spirit of disloyalty by their Demonstration, and the effects of it will be felt not only throughout the Colony, but throughout the British Empire, more especially the Indian Empire."

[1] This evidently is the date of the interview. Gandhiji himself makes this reference in the *Autobiography* (p. 196) : "On the day of landing, as soon as the yellow flag was lowered, a representative of *The Natal Advertiser* came to interview me", and the reporter mentions, in the account of the talk which appeared in the paper on January 14, that he interviewed Gandhiji "yesterday morning".

[2] A Committee constituted by the Europeans to organize a demonstration at the harbour against the disembarkation of the Indian passengers.

"In what way?"

"Whatever affects the body of Indians who come over here will most decidedly affect the Indians in India."

"You mean to say that it will prejudice the Indians against this country?"

"Yes, and it will give the Indians a sort of feeling that will not be got rid of easily, besides creating a mutual feeling between sister Colonies against India. I don't say that there is a great ill-feeling between Indians and the Colonists generally at the present moment. I certainly think that, from what the Colonists are doing here, people in India would infer that that would be the attitude of every other British Colony also and, so far as things have gone in that direction, they confirm that impression. So we find in South Africa, so far as we can read from the telegrams and the reports in the newspapers."

THE "BRITISH SUBJECT" PLEA

"Of course, you firmly believe that Natal has no right to stop Indians coming here?"

"I certainly think so."

"On what grounds?"

"On the ground that they are British subjects, and, also because the Colony of Natal has been importing one class of Indians and does not want to have another class."[1]

"Yes."

"It is very inconsistent. It seems to be a sort of leonine partnership. They want to get all the advantages that can possibly be gained from the Indians, but do not want the Indians to have any advantage whatever."

"What attitude will the Indian Government take on this question?"

"That I am unable to say. So far, I don't know what the feeling of the Indian Government is. The feeling cannot

[1] The reference is to free Indians—traders and artisans—as distinguished from indentured labourers whose immigration was permitted.

be apathetic towards the Indians. They are bound to sympathise, but what attitude they will take depends upon so many circumstances that it is very difficult to conjecture what it will be."

"Is it probable that, if free Indians are stopped, the Indian Government will stop the indentured Indians?"

"I hope so;[1] but whether the Indian Government will do that is a different thing."

Reverting to the Demonstration, Mr. Gandhi said: "What I think most of is that the demonstrators have not taken any notice whatever of the Imperial aspect of the question. It is an admitted fact that the Indian Empire is the brightest jewel in the British Crown. Most of the trade of the United Kindgom is carried on with the Indian Empire, and it furnishes some of the bravest soldiers to fight the wars of Great Britain in almost all parts of the world."

"They have never been further than Egypt," interpolated the interviewer, and Mr. Gandhi tacitly admitted the correction.

"The policy of the Imperial Government," he continued, "has throughout been a policy of conciliation—a policy of winning over the Indians by love, and not by force. Every Britisher is agreed that the glory of the British Empire depends upon the retention of the Indian Empire, and on the face of this, it looks very unpatriotic of the Colonists of Natal, whose prosperity depends not a little upon the introduction of the Indians, to so vigorously protest against the introduction of free Indians. The policy of exclusion is obsolete, and Colonists should admit Indians to the franchise, and, at the same time, in points in which they

[1] South African Indians had, in fact, petitioned both the Imperial and the Indian Governments to disallow further emigration if certain restrictions, imposed on indentured labourers on the expiry of their indenture, were not removed. *Vide* Vol. I, p. 226 and p. 230.

are not fully civilised, Colonists should help them to become more civilised. That, I certainly think, should be the policy followed throughout the Colonies, if all the parts of the British Empire are to remain in harmony."

"Are Indians admitted, at present, to all parts of the British Empire?"

"Australia has now been endeavouring to exclude them, but the Government Bill has been thrown out by the Legislative Council, and, even if the policy were adopted in Australia, it remains to be seen whether it will be sanctioned by the Home Government. Even if the Australians were successful, I should say it would not be good for Natal to follow a bad example, and one which was bound to be suicidal in the end."

Mr. Gandhi's Mission to India

"What was your main object in visiting India?"

"My main object in returning was to see my family, my wife and children, from whom I have been separated, almost continually, for the last seven years. I told the Indians here that I should have to go to India for a short time. They thought I might be able to do something for the cause of the Indians in Natal, and I thought so also. And here I may state, parenthetically, that we have not been fighting, really speaking, with regard to the position of the Indians in the Colony, but we have been simply fighting for the principle. The object of our agitation is not to swamp the Colony with Indians or to have the status of the Indian in the Colony of Natal defined, but to have the Imperial question decided once for all; namely : 'What status will the Indians outside British India have?' That was the principle we have been striving to determine. The Indian gentlemen interested in the cause in Durban discussed the question with me as to what my plan of action should be in India, and the plan of action was that I should simply get my travelling expenses in India paid

by the Natal Congress. As soon as I arrived in India I published that pamphlet."[1]

"Where did you prepare the pamphlet?"

"I did not prepare it in Natal. I prepared the whole of it while on the voyage home."

"How did you secure the information it contains?"

"I was determined to make myself acquainted with all the facts about the Indians in South Africa, and with that object in view, I had translations of the Transvaal laws supplied to me, and I asked friends in the Cape Colony and in other parts of South Africa to furnish me with any information they had on this question. So, I was fully acquainted with the facts before I decided to go to India. In the memorials which have been sent from the Indians of Natal to the Home Government,[2] the Imperial view of the question has always been kept in the forefront."

"Were the memorials bearing on the franchise question?"

"Not exclusively. They treated with the immigration and other laws the Colony has passed, as well as the Transvaal agitation."[3]

"What was your object in publishing the pamphlet?"

"My object in publishing it was to place the entire facts regarding the position of the Indians in South Africa before the Indian public. The people here believe that India does not know exactly how many Indians were outside the country, and what their status was, and the object was to draw their attention to the subject, and it was with that view that the pamphlet was published."

"But had you not an ulterior object?"

"The ulterior object was to have the status of the Indians decided to our satisfaction; that is to say, in terms

[1] The Green Pamphlet.

[2] *Vide* Vol. I, pp. 116-28, 187-208, 215-27, 254-6, 303-7 and 324-45.

[3] The agitation was against the Transvaal legislation which sought to enforce the Indians to live and trade in specified locations; *vide* Vol. I, dp. 187-212.

with the Proclamation of 1858."

"Do you hope to be successful?"

"I certainly hope that, with the help of the Indian public in India, we shall achieve the end very quickly."

"What means do you propose adopting?"

"We desire them to go in for a constitutional agitation in India. At every meeting that has been held, resolutions have been passed authorising the chairman to draw up memorials addressed to the Indian Government and the Home Government, drawing their attention to the position of the Indians in South Africa. These meetings have been held throughout the presidencies of Bombay, Madras, and Calcutta."[1]

"Have you received any encouragement from the Indian Government on the subject?"

"No; I had to return before I received any reply."

NO DESIRE TO BLACKEN NATAL

"It has been said," continued Mr. Gandhi, "that I went to India to blacken the character of the Natal Colonists. This I must emphatically deny. It will be remembered that I addressed an 'Open Letter'[2] to the members of the Natal Parliament about two years ago, and there I gave my view of the treatment the Indians were receiving, and it was exactly that view that I placed before the Indian public.

In fact, I copied an extract from that 'Open Letter', word for word, into my pamphlet.[3] It gave my view of the

[1] The Calcutta public meeting which Gandhiji was to have addressed (*vide* p. 123, *supra*) had to be cancelled as he had to leave urgently for South Africa (*vide* pp. 127-8, *supra*). Perhaps, Gandhiji was alluding to a meeting of the Committee of the British India Association in Calcutta which he addressed and which decided to submit to the Secretary of State for India a memorial in regard to the position of the South African Indians. The public meetings were held at Bombay, Madras and Poona; *vide* p. 171, *infra*, and p. 136, *supra*.

[2] *Vide* footnote, p. 3, *supra*.

[3] *Vide* p. 4, *supra*.

treatment the Indians were receiving before, and no exception was taken to that portion of the 'Open Letter' when it was published here. No one then said that I was blackening the character of the Colonists, but only when that statement was repeated in India. How that can amount to blackening the character of the Colonists I fail to understand. At the time of discussing the 'Open Letter', almost all the papers said unanimously that I was absolutely impartial, and not a single statement I made was contradicted. Under these circumstances, I thought I was perfectly justified in making the extract from the 'Open Letter'. I am aware that Reuter cabled Home a summary[1] of the pamphlet that could not be borne out by the 'Open Letter', and as soon as you received the pamphlet, both the Durban papers said Reuter had exaggerated its statements.[2] I can hardly be held responsible for Reuter's statements and opinions, and I believe that the leaders of the Demonstration party have not read the 'Open Letter' and the pamphlet; they have taken Reuter's telegram as an accurate summary of the pamphlet, and are, therefore, proceeding on these lines. If this belief is well founded, then I say that the leaders are doing an injustice to the Colonists as well as the Indians. I will say I have not gone beyond what I did here, and my stating the case in India has not prejudiced it in any way."

THE INDENTURED INDIAN QUESTION

"In your Indian campaign what attitude did you adopt towards the indentured Indian question?"

"I have said most emphatically, in the pamphlets and elsewhere, that the treatment of the identured Indians is no worse or better in Natal than they receive in other parts of the world. I have never endeavoured to show that the indentured Indians have been receiving cruel treatment. The question, generally speaking, is not a question of

[1] *Vide* pp. 187-8 *infra.*

[2] *Vide* p. 188, *infra.*

the ill-treatment of Indians, but of the legal disabilities that are placed on them. I have even said in the pamphlet that instances I have quoted show that the treatment that the Indians receive was owing to the prejudice against them, and what I have endeavoured to show is the connection between the prejudice and the laws passed by the Colony to restrict the freedom of the Indian."

INDIANS' LEGAL DISABILITIES

"I have said that the Indians did not approach the Indian Government, the Indian public, or the Home Government, with the view to having any redress against the prejudices of these Colonists. I have said that Indians are the most hated beings in South Africa, and that they are being ill-treated; but, for all that, we do not ask the Government for redress with regard to these things, but with regard to the legal disabilities that are placed upon the Indians. We protest against the legislation passed by prejudice, and redress has been asked for against them. This, then, is simply a question of toleration on the part of the Indian. The attitude taken up by the Colonists, especially by the Demonstration Committee, is an attitude of intolerance. It has been said in the papers that there is an organised attempt, under my leadership, to swamp the Colony with Indians.[1] This statement is absolutely false. I have as much to do with having induced these passengers to come here as I have with inducing passengers to come from Europe. No such attempt has ever been made."

"I should think your agitation in India would have rather the opposite effect?"

"Certainly. I tried to induce some gentlemen to come who, I thought, would be able to replace me, to work for the cause, and I was absolutely unsuccessful. They refused to come."[2]

1 *Vide* p. 211, *infra*.
2 *Vide* p. 85, pp. 90-3 and p. 123, *supra*.

NUMBER OF PASSENGERS EXAGGERATED

"The number of passengers on board the 'Courland' and 'Naderi' has been exaggerated. There are not 800 passengers on the two ships, so far as my information goes. In all there are about 600. Of these, only 200 are for Natal, the rest are for Delagoa Bay, Mauritius, Bourbon, and the Transvaal. Now, out of these 200, about 100 are new-comers and of these new-comers about 40 are ladies, and so it is a question of admitting about 60 new-comers. These 60 new-comers consist of store-keepers' assistants, traders on their own account, and hawkers. I have nothing whatever to do with bringing passengers to any of the other ports either. A statement has appeared to the effect that there is a printing plant, 50 blacksmiths, and 30 compositors on board—all absolutely false. Such a statement is calculated to inflame the passions of the European artisans and the working people in Durban, though it has no foundation in fact. The leader of the Demonstration Committee, and anybody in Natal, would be perfectly justified in getting up an agitation—a constitutional agitation, remember—if there was an organised attempt to swamp the Colony with Indians, and Indians of this stamp; but, as a matter of fact, there is not a single blacksmith or compositor on board."

THE THREAT OF LEGAL PROCEEDINGS

"The statement has been made that I have been advising people on board to institute legal proceedings against the Government for unlawful detention.[1] That is another statement that has no foundaton in fact. My object throughout is not to sow dissension between the two communities, but to assist at creating harmony between the two, without the Indians having to accept any degradation of their status as conferred upon them by the Proclamation of 1858, when

1 *Vide* pp. 211-2 and p. 214, *infra*.

it was stated that all subjects of Her Majesty in India would be treated on a footing of equality without distinction of race, colour, or creed; and I submit, I am justified in requesting every Colonist to tolerate the attitude, however much they have differed from it. Really speaking, there can be no objection to the Indian. The Colonial Patriotic Union[1] have put forward statements that the artisan class are concerned. I say there is no competition between Europeans and Indians."

"It is true that a few Indians do now and then come to Natal, but the number of those in the Colony is very greatly exaggerated, and certainly there are very few new-comers. And how can there be any competition between a high-class European and an ordinary Indian artisan? I don't mean to say that Indian artisans cannot compete successfully with the European artisans, but here, again, the Indian artisans of a high order, and of the right stamp, do not come here, and if they did come, they would not find much employment, just as if other professional men came here they would not find much to do."

Why Mr. Gandhi Returned

"What is your object in coming back?"

"I do not return here with the intention of making money, but of acting as a humble interpreter between the two communities. There is a great misunderstanding between the communities, and I shall endeavour to fulfil the office of interpreter so long as both the communities do not object to my presence."

"Had you the approval of the Indian Congress[2] to all the statements you made, and the action you took in India?"

"I certainly think so. I spoke in the name of the people."

[1] An Association formed by Durban Europeans in November 1896 to resist immigration of free Indians; *vide* pp. 189-90, *infra*.

[2] The reference is to the Natal Indian Congress; *vide* Vol. I, p. 130.

"Are there not some indentured Indians on board these boats?"

"No. There are some who come under an ordinary contract to serve merchants here as shop assistants, but none indentured. An unauthorised agency for bringing Indians under contract to render domestic service is illegal, according to the Indian Immigration Law."

THE PROPOSED INDIAN NEWSPAPER

"Have the Indian Congress no intention of starting a newspaper in Natal?"

"There was an intention, not by the Indian Congress, but by a body of workers who sympathise with the Congress, of starting a paper, but that idea had to be given up, simply because I could not see my way to devote my time to that and other work. I had instructions to bring material and Indian type, but as I found it would be impossible for me to work it, I did not bring anything. Had I been able to persuade the gentlemen with whom I was negotiating to come over here, I might have brought the material, but as that fell through, I did not do so."

"What steps have the Indian Congress taken with regard to this Colonial agitation?"

"So far as I know, the Congress have taken no steps whatever."

MR. GANDHI'S PLANS

"What is your plan of campaign?"

"My plan of campaign now is, if I am allowed time, to show that there is no conflict of interest between the two countries; that the attitude taken up by the Colony at present is indefensible on every ground; and to justify what I have done in the eyes of the Colonists for the sake of the case in which I am interested. Of course, we should resist the passing of any laws to restrict the freedom of Indians entering the Colony. I would naturally expect to have the

full support of the Indian Government on that. There is absolutely no danger of the Colony getting swamped. The 'Courland', on one of her voyages, took back as many as a hundred new arrivals, and I, therefore, submit that the leaders should make sure of their facts before they put a drastic policy before the Colony.[1] The free Indian population really remains stationary. The law of supply and demand regulates the inflow and outflow of passengers."

Mr. Gandhi requested the reporter to convey to the editor of the *Advertiser* his best thanks for allowing him to ventilate his views.

In taking leave of Mr. Gandhi, the reporter laid stress on the very strong feeling against him at present in Durban, and advised him, for his own sake, to be exceedingly careful in regard to disembarking, since he was determined to land.

The Natal Advertiser, 14-1-1897

20. LETTER TO ATTORNEY-GENERAL[2]

Shortly after landing from the Courland, *on Wednesday, January 13, 1897, Gandhiji was mobbed by a section of the crowd which had demonstrated at the harbour. He escaped being lynched, first through the brave intervention of Mrs. Alexander, the wife of the Police Superintendent, and, later, through that Officer's resourcefulness when the house in which Gandhiji had taken shelter was besieged. The Secretary of State for the Colonies, Mr. Chamberlain, cabled the Natal Government to prosecute Gandhiji's assailants, but when the Attorney-General, Mr. Escombe, approached Gandhiji for assistance in indicting them, Gandhiji desired that*

[1] The Europeans had set up, in November 1896, a "Colonial Patriotic Union" to agitate for measures to stop "further influx of free Europeans"; *vide* p. 189, *infra*.

[2] The text of the letter is available in a press cutting, S.N. 2156.

no action should be taken against them. Asked to put this in writing, Gandhiji readily gave the following letter, which was subsequently forwarded to Mr. Chamberlain.

BEACH GROVE, DURBAN,
January 20, 1897

TO
THE HONOURABLE HARRY ESCOMBE
ATTORNEY-GENERAL
PIETERMARITZBURG

SIR,

I beg to thank you and the Government for the kind enquiries made about me and the kindness shown to me by the officials of Durban after the incident that happened on Wednesday last.

I beg to state that I do not wish that any notice should be taken of the behaviour of some people towards me last Wednesday, which I have no doubt was due to misapprehension on their part as to what I did in India with reference to the Asiatic question.

It is due to the Government to state that, although, under instructions from you, the Superintendent of Water Police offered to take me to town quietly at night, I proceeded to the shore with Mr. Laughton[1] on my own responsibility without informing the Water Police of my departure.

I have, etc.,
M. K. GANDHI

Enclosure in Despatch No. 32 of 3rd March, 1897, from the Governor of Natal to the Principal Secretary of State for the Colonies.

[1] A European advocate of Durban who was friendly with Gandhiji.

21. *LANDING AT DURBAN*[1]

[Durban, *January 28, 1897*][2]

FROM

INDIANS

TO

(1) "INCAS"[3]
(2) SIR WILLIAM HUNTER CARE *Times*.
(3) BHOWANAGGREE, LONDON

TWO INDIAN STEAMERS COURLAND NADERI LEFT BOMBAY 30[4] NOVEMBER. ARRIVED 18 DECEMBER. DESPITE CLEAN BILL HEALTH THROUGHOUT VOYAGE FIVE DAYS' QUARANTINE [IMPOSED]. BOMBAY PROCLAIMED NEXT DAY INFECTED PORT. HEALTH OFFICER SUSPENDED. ANOTHER APPOINTED WHO ON 24 VISITED SHIPS ORDERED DISINFECTION AND BURNING OLD CLOTHES MATS ETC. IMPOSED 11 DAYS' QUARANTINE. BURNING ETC. DONE ON 25. ON 28 POLICE OFFICER BOARDED REDISINFECTED AND BURNT BEDDINGS BAGS CLOTHING ETC. HEALTH OFFICER ON 29 VISITED SHIPS SHOWED SATISFACTION AGAIN IMPOSED 12 DAYS' QUARANTINE. PRATIQUE[5] DUE 10

[1] All incidents mentioned in this telegraphic message are described at length in the memorial to Mr. Chamberlain. *Vide* pp. 184-283, *infra*.

[2] The office copy of this cable does not bear a date; the date ascribed is based on the reference to the telegram in the letter to Sir W. W. Hunter dated January 29, 1897, (*vide* p. 170, *infra*).

[3] The telegraphic address of the British Committee of the Indian National Congress in London.

[4] The *Courland* left on November 30 and the *Naderi* on November 28; *vide* pp. 192-3, *infra*.

[5] Permission to a ship to hold intercourse with port after termination of quarantine or on showing a clean bill of health.

JANUARY GIVEN ON 11. AFTER STEAMERS' ARRIVAL MEETINGS CALLED BY VOLUNTEER OFFICERS AND OTHERS TO FORCIBLY PREVENT LANDING PASSENGERS. TOWN HALL USED FOR MEETINGS. SPEAKER DECLARED GOVERNMENT SYMPATHY AND THAT DEFENCE MINISTER SAID GOVERNMENT WOULD NOT OPPOSE MOB. STATED THAT 800 PASSENGERS FOR NATAL ON TWO STEAMERS MOSTLY ARTISANS AND LABOURERS. SCHEME TO SWAMP COLONY WITH INDIANS. PRINTING PLANT ON BOARD ETC. SUCH STATEMENTS PROMOTED AGITATION INFLAMED PEOPLE. TRUTH IS ONLY 600 PASSENGERS NOT MORE THAN 200 FOR NATAL BEING TRADERS THEIR ASSISTANTS RELATIVES WIVES CHILDREN OF OLD RESIDENTS. NO SCHEME TO SWAMP COLONY. NO PRINTING PLANT. ONE OF QUARANTINE COMMITTEE APPOINTED BY GOVERNMENT HEADED SIXTH DIVISION OF MOB. ULTIMATUM [GIVEN] ASKING PASSENGERS TO RETURN INDIA UNLESS THEY WOULD FACE OPPOSITION FROM THOUSANDS OF DURBAN PEOPLE. GANDHI ON COURLAND THREATENED WITH TARRING FEATHERING LYNCHING. STEAMERS' AGENTS SHOWING ILLEGALITY IN IMPOSING QUARANTINE URGED RELIEF AND PROTECTION FOR PASSENGERS FROM GOVERNMENT. AGENTS' LETTER IGNORED TILL AFTER DEMONSTRATION ON THIRTEENTH. THOUSANDS INCLUDING GOVERNMENT RAILWAYMEN VOLUNTEERS 300 KAFFIRS WITH STICKS MASSED AT WHARF "TO PREVENT LANDING OF PASSENGERS BY FORCE IF NECESSARY". DEFENCE MINISTER BROUGHT SHIPS IN ADDRESSED MOB AND IT DISPERSED. PASSENGERS' SAFETY ASSURED. SOME LANDED AFTERNOON OTHERS NEXT DAY. GOVERNMENT OFFERED GANDHI TO LAND QUIETLY AT NIGHT. HE LANDED LATE AFTERNOON ACCOMPANIED BY ADVOCATE LAUGHTON. ROUGHLY HANDLED. ASSAULTED BY CROWD. POLICE RESCUED. PAPERS CONDEMN DEMONSTRATION AND AGREE AGITATORS PROCEEDED ON FALSE STATEMENTS,

JUSTIFY GANDHI. SOME JOURNALS SUSPECT COLLUSION BETWEEN GOVERNMENT AND AGITATORS. PASSENGERS SUFFERED IMMENSELY. GOVERNMENT NOT HEEDING. INDIANS' QUARANTINE RELIEF FUND SUPPLIED BEDDINGS PROVISIONS ETC. DURING QUARANTINE. GOVERNMENT NEGOTIATING WITH HOME GOVERNMENT TO SECURE ANTI-INDIAN LEGISLATION. PLEASE WATCH.

From the photostat of the office copy, S.N. 1883.

22. *LETTER TO BRITISH AGENT*[1]

[CENTRAL WEST STREET, DURBAN]
NATAL,
January 29, 1897

HIS HONOUR
THE BRITISH AGENT
PRETORIA

SIR,

Many Indians intending to proceed to the Transvaal via Charlestown find difficulty in crossing the border. Some days ago, the official on the border allowed Indians possessing £25 to proceed to their destination in the Transvaal. Now it is said the official on the border would not allow the Indians to cross the border under any circumstances, though some may have been able to do so. May I venture to ask if you will be good enough to ascertain, on behalf of Her Majesty's Indian subjects, under what circumstances they will be allowed to cross the border.

I have, etc.,
M. K. GANDHI

[1] The Pretoria Archives and the Colonial Office Records, South Africa, General, 1897.

23. LETTER TO W. W. HUNTER

DURBAN,
January 29, 1897

[SIR WILLIAM HUNTER
LONDON][1]

SIR,

I reached Natal on the 18th December but could not land in Durban before the 13th January. The circumstances under which this delay occurred are very painful. The Indian community yesterday sent a very long telegram[2] to you narrating the events of the past 30 days. I venture to give below the circumstances that culminated in a demonstration by about 5000 Durban men to oppose the landing of passengers on board two ships "Courland" and "Naderi", the first named being owned by Messrs Dada Abdoolla and Coy. of Durban and the second by the Persian Steam Navigation Coy. (of Bombay).

About the beginning of August last, the Tongaat Sugar Coy. applied to the Immigration Trust Board for eleven Indian artisans to be brought under indenture.[3] This gave rise to an organised agitation by the European artisans against the Indians generally. Well-attended meetings of European artisans were held in Durban and Maritzburg and other towns to protest against the introduction of Indian artisans by the Sugar Coy. who, yielding to the

1 The office copy of the letter gives no indication as to the addressee, but from Sir W. W. Hunter's acknowledgment in his letter of February 22, 1897 (S.N. 2074), it is clear that he had received it. It is probable that similar letters were sent also to Dadabhai Naoroji and Mancherji Bhownaggree, to whom also the previous day's telegram had been dispatched.

2 *Vide* pp. 167-9, *supra.*

3 *Vide* p. 186, *infra.*

voice of the artisans, withdrew their application.[1] But the agitation continued. The leaders assumed certain facts and allowed the agitation to develop into one against the Indians wholesale almost without discrimination. Angry correspondence condemning the Indians, mostly under *nom-de-plume*, went on. While this was going on, statements appeared in the press to the effect that the Indians had organised an attempt to flood the Colony with free Indians. About this time appeared also Reuter's telegram regarding my pamphlet[2] which enraged the Colonists. The telegram said that I had stated that Indians were robbed, assaulted etc. When, however, the papers received copies of the pamphlet, they acknowledged that I had stated nothing that was not stated in Natal before and that was not acknowledged to be correct. But the general populace, who formed their opinion of the pamphlet from Reuter's summary, continued to retain their bitter feelings. Then came the wires regarding the Bombay and Madras meetings.[3] These, while not inaccurate, were read together with Reuter's summary and made the feelings more bitter.

In the meanwhile, steamers continued to bring a large number of Indians. The arrivals were prominently reported and exaggerated. The almost equal returns[4] by the same steamers passed un-noticed. And the artisans were led to believe without any ground that these steamers brought mostly Indian artisans. This gave rise to the formation of anti-Indian associations[5] at whose meetings resolutions were passed asking the Natal Government to stop the influx of free Indians, to prevent Indians from owning landed property, etc. These associations are not much

[1] *Vide* pp. 186-7, *infra*.
[2] *Vide* pp. 187-8, *infra*.
[3] *Vide* pp. 70, 94, *supra*.
[4] The reference is to Indians returning to India.
[5] The European Protection Association and the Colonial Patriotic Union; *vide* pp. 189-90, *infra*.

countenanced by the commercial people but are composed chiefly of artisans and a few professional men.

At the time this was going on, two ships "Courland" and "Naderi", bound for Natal and containing Indian passengers, were reported to be on the water. I was a passenger on board the "Courland". I was to have gone by one of the British India boats, but the telegram from Durban, asking me to return at once,[1] necessitated my taking passage by the "Courland". As soon as the news became public property, the papers and the Durban Town Council urged that Bombay should be declared an infected port. The steamers reached Natal on the 18th and were placed under quarantine for 23 days from the day[2] of leaving Bombay. Proclamation declaring Bombay an infected port was dated the 18th December and published in a Gazette Extraordinary on the 19th, that is, one day after the steamers' arrival. The medical officer, who imposed five days' quarantine, making 23 days from the time of departure of the steamers from Bombay, was dismissed and another appointed in his stead. He boarded the steamers after the expiry of the first quarantine and imposed 12 days' quarantine from that day. The Government had appointed a Committee to report as to how the two ships were to be treated and the reports said that 12 days' quarantine after fumigation etc. will be necessary. The medical officer gave instructions with regard to fumigation and disinfection during the time. These were carried out. Six days after this, an officer was placed on each ship to watch fumigation etc. And after that, the medical officer came again and imposed a quarantine of 12 days from that day. Thus, even if the Committee's report were justified, 11 clear days were wasted before the 12 days' quarantine began.

While the ships were thus lying in the outer anchorage,

[1] *Vide* p. 127, *supra*.

[2] *Vide* footnote 4, p. 167, *supra*.

a local butcher, Mr. Harry Sparks, Captain, Natal Mounted Rifles of the Volunteer Force, published a notice under his signature calling "every man in Durban to attend a public meeting to be held on the 4th January for the purpose of arranging a demonstration to proceed to the Point, and protest against the landing of Asiatics."[1] This meeting was very largely attended and held in the Durban Town Hall. It was, however, a complaint that the more sober portion of the community held aloof from active participation in the movement. It is also worthy of notice that the associations before referred to did not take part in the movement. Dr. Mackenzie, one of the members of the Committee alluded to above, and Captain of the Naval Carbineers, and Mr. J. S. Wylie, a local solicitor and Captain of the Durban Light Infantry, were the chief movers. Inflammatory speeches were made at the meeting. It was resolved that the Government should be called upon to return the passengers on the two ships to India at the Colony's expense and "that every man at this meeting agrees and binds himself, with a view to assisting the Government to carry out the foregoing resolution, to do all his country may require of him and with that view will, if necessary, attend at the Point at any time when required." The meeting also suggested that the quarantine should be further extended and that a special session be called, if necessary, to extend it, thus, in my humble opinion, showing clearly that the previous quarantine was meant to vex the Indians into returning to India.

The Government, in their telegraphic reply to the resolutions, said that they had no power "apart from such as may be conferred by the quarantine laws to prevent the landing in the Colony of any class of Her Majesty's subjects", and deprecated action suggested by the second resolution quoted above. Thereupon, another meeting was held in the

[1] *Vide* p. 197, *infra*.

Town Hall.[1] Mr. Wylie moved a resolution, which was carried, to the effect that a special session should be called to extend quarantine. The following are the significant passages of his speech: "The Committee said if the Government did nothing, Durban would have to do it herself and go in force to the Point and see what could be done. They capped that by remarking 'we presume that you, as representing the Government and good authority of this Colony, would have to bring force to oppose us.' Mr. Escombe, the Attorney-General and Minister of Defence, said, 'We will do nothing of the sort. We are with you and we are going to do nothing of the sort to oppose you. But, if you put us in such a position, we may have to go to the Governor of the Colony and ask him to take over the reins of this Colony as we can no longer conduct the Government. You will have to find some other persons.' " The second resolution was that, "We proceed by demonstration to the Point on the arrival of the Indians but each man binds himself to conform to the orders of his leaders." The speakers inflamed the hearers particularly against me. A document that was issued for signatures was thus headed: "List of names of members (trade or profession mentioned) who are willing to proceed to the Point and resist by force, if necessary, the landing of Asiatics and to obey any orders which may be given by the leaders." The next stage in the movement was for the Demonstration Committee to send an ultimatum to the Captain of the "Courland", saying that passengers should return to India at the Colony's expense and that, if they did not do so, their landing would be resisted by thousands of Durban men. This was practically ignored.

While the movement was thus progressing, the agents communicated with the Government and asked for protection of passengers. No reply was vouchsafed until the

[1] *Vide* pp. 199-202, *infra*.

day on which the ships were brought in, on the 13th instant. Not much remains to be added to the telegram,[1] of which a copy is enclosed herewith. As to the assault on me, it was due to the mis-representations that appeared about me in the papers. The assault itself was the work of irresponsible persons and by itself need not be noticed at all. Of course, I narrowly escaped being lynched. The papers agree in saying that I did nothing that another in my place would not have done. I may also state that, after the assault, I was treated kindly by the Government officials and afforded protection.

The Government now intend to introduce, in March next, laws restricting the influx of the Indians. Town Councils have been asking the Government for widest powers to enable them to prevent Indians from taking out licenses to trade, owning landed property, etc. What the outcome will be it is difficult to say. Our only hope lies in you and the gentlemen working in London in our behalf. In any case, it is time some declaration was made as to the policy of the Home Government with regard to the Indians going outside India. The continuation of assisted immigration to Natal under the circumstances seems to be a great anomaly. There is absolutely no danger of the Asiatics swamping the Colony. There is no competition between Indian and European artisans. It may almost be said that for every Indian coming to Natal one returns to India. The whole of this matter will be fully dealt with in a memorial to Mr. Chamberlain[2] that is in course of preparation. This letter has been sent in the meanwhile to furnish you with a brief summary of the past events. We are aware that your time is otherwise well occupied. But, however reluctant

1 *Vide* p. 167, *supra*.

2 *Vide* p. 184, *infra*.

we may be to trouble you with our sorrows, we find no escape from the course if we are to get justice.

Thanking you on behalf of the Indian community in Natal,

I remain,
your obedient servant,
M. K. GANDHI

From the photostat of the office copy: S. N. 1967.

24. *THE INDIAN FAMINE*

This and the succeeding three appeals to different sections of the people in South Africa were issued in response to an approach by the Central Famine Committee, Calcutta, to the people of the British Colonies for contributions to the Relief Fund for the Indian Famine of 1896-7.

DURBAN,
February 2, 1897

TO
THE EDITOR
The Natal Mercury

SIR,

I venture to offer a few remarks on the Indian famine, regarding which appeal for funds has been made to the British Colonies. It is not perhaps generally known that India is the poorest country in the world, in spite of the fabulous accounts of the riches of her Rajahs and Maharajahs. The highest Indian authorities state that "the remaining fifth (i.e., of the population of British India), or 40,000,000, go through life on insufficient food." This is the normal condition of British India. Famines, as a rule, recur in India every four years. It must not be difficult to imagine what the condition of the people would

be at such a time in that poverty-stricken country. Children are snatched from their mothers, wives from their husbands. Whole tracts are devastated, and this in spite of the precautions taken by a most benevolent Government. Of the famines of recent times, that of 1877-78 was the most severe. The famine commissioners thus report as to the death-rate : "It has been estimated, and, in our opinion, on substantial grounds, that the mortality which occurred in the Provinces under British administration, during the period of famine and drought extending over the years 1877 and 1878, amounted, in a population of 197,000,000, to 5,250,000 in excess of the deaths that would have occurred had the seasons been ordinarily healthy." The total expenditure during the crisis was over £11,000,000.

The present famine bids fair to beat the record in point of severity. The distress has already become acute. The worst time has yet to come, when summer sets in. This is the first time, I believe, that the British Colonies have been appealed to from India, and it is to be hoped the response will be generous. The Central Famine Committee at Calcutta must have exhausted all the resources before deciding to appeal to the Colonies.[1] And it will be a great pity if the response is not adequate to the urgency of the appeal.

It is true that the outlook is not particularly cheerful even in South Africa, but it will be admitted that there can be no comparison between the distress in India and that in South Africa. And even if there should be a call on the purse of the Natal magnates on behalf of the South African poor, I venture to trust that that would not deter them from dipping their hands deep into their purses on behalf of millions of their fellow-subjects in India, who are on the verge of starvation. Whether it be in the United Kingdom or in the Colonies, I am sure

[1] *Vide* p. 312, *infra*.

British philanthropy will assert itself, as it has on previous occasions, on behalf of suffering humanity, no matter where and how often.

I am, &c.,
M. K. GANDHI

The Natal Mercury, 4-2-1897

25. "THE BLACK FAMINE IN INDIA"

From the report which was published in The Natal Advertiser *along with the following appeal to the Indian community in Durban, it appears that as soon as the Mayor of Durban invited subscriptions for famine relief, a meeting of Indians was called on February 3 and £700 initially subscribed. A committee was set up to make collections from Maritzburg, Newcastle, Ladysmith, Charlestown, Dundee and other centres. The committee met on February 4 and the appeal was released to the Press.*

[*February 3, 1897*][1]

DEAR COUNTRYMEN,

While we are having our meals daily, hundreds of thousands are dying of hunger in India. The dark shadow of famine has caused a gloom over our dear country. The people of India have applied to all under the British flag, to send help to the starving millions there. It is, perhaps, not known to all of us that, without famine, 40,000,000 in India do not know what it is to have their hunger satisfied from year's end to year's end. Imagine,

[1] This appeal for funds for the famine-stricken people in India was evidently drafted on or before February 3 and adopted by the general meeting on that day or at the committee meeting on February 4. It was also issued in several languages current among the Indians in South Africa, as is evident from the office copies in the Sabarmati Sangrahalaya and the reference in Gandhiji's letter to Sir Francis Maclean, *vide* p. 312, *infra*.

then, what must be the condition of our brethren in India during these distressing times. Under such circumstances, it is the duty of every Indian, who is able to get sufficient to feed himself, to part with something for the sake of the dying. It will not do for us to say, 'I gave something only yesterday towards this fund or that.' You would not say so if you saw a man dying at your door of hunger; you would give all you may have to satisfy the hunger of that dying man. In the present case, the only difference is that millions are dying of hunger far away from you in a place which is your Motherland, from which you derive your status whatever it may be, and with whose welfare yours is indissolubly bound up. It would not also do to say that what you may give will be of no use to the ocean of sufferers in India. This is a mistake. If all were to argue that way, there will be no help for them. It is the drops that make the ocean. It is, therefore, the duty of every one of us to give the utmost we can towards the Relief Fund.

If you are not in affluent circumstances, it should be a duty to deny yourself something—some luxury, some jewellery, anything that is not absolutely necessary for you.

The funds will be in the hands of a Committee. The names of all who give 10s. or more will be published in newspapers in India and everyone will get a receipt, signed by Mr. M. K. Gandhi for the Famine Relief Committee, countersigned by the person or persons receiving the contributions. The Committee consists of Messrs Dada Abdoolla and Co., Messrs Mahomed Cassim Camroodeen and Co., Messrs Azam Gulam Hussain and Co., Mr. Mohanlal Ray, Mr. Syed Mahomed, Rev. Simon Velaman, Mr. Adamji Miyakhan, Mr Parsee Rustomji, Mr. Peermahomed Dawoodji, Mr. Moosa Hajee Cassim, Messrs Dawood Mahomed and Co., Mr. Dunn, Mr. Royappan, Mr. Lawrence, Mr. Godfrey, Mr. Osman Ahmed, Mr. Joshua,

Mr. Gabriel, Mr. Hajee Abdoola, Mr. Hasam Sumar, Mr. Peeran Mahomed, Mr. Mogararia, Mr. Gandhi and others.

It is expected that the Indians in the Colony will furnish at least £1,000 for the sufferers, though there is no reason why the funds should not amount to £2,000 and more. It will all depend upon your generosity and sympathy for your brethren in India.

No money should be given without a receipt in English and Tamil, signed by Mr. M. K. Gandhi and countersigned by the receiver.

The Natal Advertiser, 4-2-1897

26. *LETTER TO J. B. ROBINSON*[1]

WEST STREET, DURBAN,
February 4, 1897

TO
J. B. ROBINSON, ESQ.
JOHANNESBURG

SIR,

We, as representing the Indian community in Natal, beg respectfully to approach you, as a leader of the British community in Johannesburg, on a matter which, we are confident, has your entire sympathy and support.

The present famine in India beats all previous records, and the alarming condition to which people have been reduced by starvation and consequent evils is unparalleled in the annals of Indian famines. The acute suffering is so wide-spread, [that] the authorities as well as the public have called forth the utmost resources of Indian charity.

[1] The signatories to this letter were the members of the Committee named in the foregoing appeal.

Relief Fund Committees have been formed in all parts of India, but they are found to be entirely and absolutely inadequate to stem the rising tide of distress. The population is being rapidly decimated in spite of the efforts of those that are working heart and soul for the poor, suffering masses of humanity. The government and the people of India cannot cope with the horrors of the calamity in an effective way, and no wonder the English public have [has] stretched its ever-ready helping hand.

The press in England has taken up the matter in right earnest, and as you are aware, a Mansion House[1] Fund has been opened. It is stated that even foreign powers have promised help.

Probably, this is the first time in the history of Indian famines that the Colonies have been asked to open relief funds, and we have no doubt every loyal British subject will gladly avail himself of the opportunity of offering what material assistance he can to lessen the horrible sufferings of his tens of millions of starving fellow-subjects.

Realizing his responsibility and recognising his duty, our Mayor has already started a fund in response to the Calcutta cablegram from the Chief Justice of Bengal on behalf of the Central Committee there.[2] Indians in all parts of the world have been moving actively in the matter, and in Durban alone, by yesterday, they subscribed about £700, two firms contributing over £100 each and one, £75, and there are good grounds for the hope that the collections might amount to about £1500/-.

We have taken the liberty to approach you, Sir, because we are confident you will sympathize with our aims and objects; we, therefore, venture to request you to start a relief fund. There is no doubt, with your immense influence and energy, you are in a position to help materially

[1] The official residence of the Mayor of London.

[2] *Vide* p. 312, *infra*.

the public of India in their endeavours to relieve the suffering millions from the terrible consequences of the prevailing famine, and we feel sure that Johannesburg, with its immense riches, can do much more in this direction than all other parts of South Africa put together.

We may be permitted to state here that we have appealed to the Indians in different parts of South Africa to do all they can in this matter.

Hoping that this will receive your immediate attention and with apologies for encroaching upon your precious time,

We remain,
Sir,
Your obedient servants

From the office copy in Gandhiji's hand: S. N. 1996.

27. *TO THE CLERGYMEN OF DURBAN*

BEACH GROVE, DURBAN,
February 6, 1897

TO . . . . .

I venture to write to you about the Indian Famine Fund opened by the Mayor of Durban. I beg to draw your attention to the remark made by the Mayor in the Town Council yesterday to the effect that only one European had so far subscribed.

I need hardly describe the sufferings of the millions in India who may have to die simply from want of sufficient nutriment. I beg to refer you to my letter in the *Mercury* of the 3rd instant[1] which would give you some idea of the volume of distress that is threatening India at the present time.

I venture to think that references to the matter and

[1] Gandhiji was evidently referring to his letter of February 2 which appeared in that newspaper on February 4; *vide* pp. 176-8, *supra*.

appeals to the audiences for funds from the pulpit to[morrow?][1] will go a great way towards exciting the generous sympathy of the public on behalf of the suffering millions in India.

I beg to remain,
Your obedient servant,
M. K. GANDHI

From the photostat of the office copy in Gandhiji's hand: S.N. 3643.

28. LETTER TO A. M. CAMERON

BEACH GROVE, DURBAN,
February 15, 1897

A. M. CAMERON[2]
POST OFFICE
DARGLE ROAD[3]

DEAR SIR,

I thank you for your kind letter of the 10th instant and your valuable suggestions. I am very glad that you will be able to spare a few days for coming down to Durban. I enclose herewith a check for £3. If you wish to travel first class you may do so and your further expenses will be paid.

I am,
Yours truly,
M. K. GANDHI

From the photostat of a copy bearing Gandhiji's signature: S.N. 3645.

[1] The partially faded word is probably 'tomorrow'; February 7 was a Sunday.

[2] Mr. Cameron was for some time the Natal correspondent of *The Times of India* (*vide* p. 368, *infra*). Gandhiji invited him to Durban for discussions in regard to the starting of a journal to represent the cause of South African Indians. It was not till 1903, however, that *Indian Opinion* was issued.

[3] A community village about 20 miles from Pietermaritzburg.

29. MEMORIAL TO MR. CHAMBERLAIN[1]

The course of events in Natal and elsewhere in South Africa, subsequent to his landing in Durban on January 13, 1897, was the cause of serious concern to Gandhiji. He foresaw a determined effort by the Colonial authorities to prevent any further migration of Indians into South Africa and to create conditions which would compel them to return to India. The status of Indians as fellow-citizens of the British Empire was in danger and, in consequence, also the Empire's internal harmony. He felt the need of placing before the British Government and the leading men in England and India the true significance of the anti-Indian Demonstration of the 13th January and of giving them a clear picture of the position of Indians in South Africa and the vital Imperial issues involved in the anti-Indian policies followed by some of the Colonial Governments. He, therefore, drew up the following memorial to the Right Honourable Joseph Chamberlain on behalf of Indians resident in Natal.

[1] The memorial was, in due course, printed and sent to the Governor of Natal accompanied by the following covering letter:

DURBAN,
April 6, 1897

TO

HIS EXCELLENCY

THE HONOURABLE SIR WALTER F. HELY-HUTCHINSON, K.C.M.G., GOVERNOR AND COMMANDER-IN-CHIEF IN AND OVER THE COLONY OF NATAL, VICE-ADMIRAL OF THE SAME, AND SUPREME CHIEF OVER THE NATIVE POPULATION

MAY IT PLEASE YOUR EXCELLENCY,

I beg most respectfully to forward herewith to your Excellency a memorial regarding the recent Anti-Indian 'Demonstration' addressed to Her Majesty's Principal Secretary of State for the Colonies, and signed by myself and others.

I humbly request Your Excellency to send it to Her Majesty's Principal Secretary of State for the Colonies, with Your Excellency's favourable remarks.

I beg to enclose, herewith, also two copies of the original petition referred to above.

I have, etc.,
(Signed) ABDOOL CARIM H. ADAM

March 15, 1897

TO

THE RIGHT HONOURABLE JOSEPH CHAMBERLAIN,
HER MAJESTY'S PRINCIPAL SECRETARY OF STATE
FOR THE COLONIES, LONDON

THE MEMORIAL OF THE UNDERSIGNED INDIANS,
RESIDING IN THE COLONY OF NATAL

HUMBLY SHEWETH:

That your Memorialists, as representing the Indian community in Natal, hereby venture to approach you with reference to the Indian question in Natal, with special regard to the demonstration that took place in Durban on the 13th January, 1897, headed by Captain Sparks, a commissioned officer, to protest against the landing of Asiatics on board the s. s. "Courland" and s. s. "Naderi", two Indian-owned ships which arrived in Durban on the 18th day of December, 1896, with about 600 passengers, which culminated in an assault on one of them who was saved from being lynched by the tact of the Durban Borough Police.[1]

The Indian community in Natal has been suffering from various legal disabilities for a very long time, some of which have been made the subject of memorials to Her Majesty's Government.[2] In those memorials, it has been pointed out that the ultimate extinction of the Indian as a free man is the goal of the Colonists, and that every disability placed on the Indian becomes the forerunner of many more, and that his position is to be so reduced that he cannot exist in the Colony, except as (to quote the Attorney-General of Natal) "a hewer of wood and drawer of water", till the end of his lifetime. On these and such grounds, it was

[1] *Vide* p. 166, p. 168, and p. 175, *supra*; also, p. 210 and p. 284, *infra*.
[2] *Vide* Vol. I, pp. 116-28, 187-208, 215-28, 254-6, 303-7, and 324-45.

urged that legislation restrictive of the freedom of the Indians in Natal should not be sanctioned by Her Majesty's Government. While, however, Her Majesty's Government sympathized with the object of the memorials, they were reluctant to refuse the Royal sanction to some of the Bills objected to in the memorials. The encouragement, obtained from the more or less successful issue of their first and test experiments to carry out the final object, has resulted in the formation by the Europeans, during the last seven months, of anti-Indian associations, and the question has assumed a very acute phase. Under the circumstances, your Memorialists, in the interests of the Indian community in Natal, feel it to be their duty to place a review of the last seven months' anti-Indian agitation before Her Majesty's Government.

On the 7th April, 1896, the Tongaat Sugar Company applied to the Immigration Trust Board, indenting for the following Indian artisans—one each: bricklayer, platelayer, plasterer, house painter, carriage builder, wheelwright, carpenter, blacksmith, fitter, turner, iron moulder, and coppersmith. The Trust Board granted the application. As soon as this information was published in the newspapers, a storm of protest arose in the Colony. Meetings to protest against the action of the Trust Board were advertised for in the local papers, both in Pietermaritzburg and Durban. The first meeting was held in Durban, on the 11th day of August, and is reported to have been largely attended, where angry speeches were made. As a result of the agitation, the Tongaat Sugar Company withdrew their application in the following terms: —"As our application for the above appears to have met with an opposition entirely unforeseen on our part, we have decided to withdraw it." The agitation, however, did not die with the withdrawal. Meetings continued to be held and the speakers went beyond the scope thereof. Your Memorialists humbly think that the protest against the application

was perfectly justified, in so far as the introduction of skilled labour under State protection was contemplated; and that, had the agitation remained within proper bounds, the events that followed might not have taken place. Some of the speakers at those meetings laid stress on the fact that the Indians could not fairly be blamed in the matter, and that it was the Sugar Company that was entirely to blame. The tone, however, of most of the speeches was such as to easily inflame the passions of the audience. The correspondence in the newspapers also was carried on much the same way. Facts were at a heavy discount; the whole Indian question was opened up; and Indians were condemned wholesale. The meetings, in your Memorialists' humble opinion, amply justified the contention of the Indian community that the Indians are the most hated and misunderstood community in the Colony. They were called "black vermin". A speaker at one of the Maritzburg meetings said: "A coolie could live on the smell of an oily rag." One of the audience at that meeting said: "They breed like rabbits, those that are here", and another added: "The worst of it is we can't shoot them down." At one of the Durban meetings, a voice from the audience said, with reference to the application: "If the Indian artisans came, we will go to the Point and stop them." Another said at the same meeting: "A coolie is not a man." Thus, it will be seen that the material for the events of January last was being prepared in August, 1896. Another feature of this agitation was that the working classes were induced to take an active interest in the matter.

Hardly had the time for proper reflection over the action of the Trust Board come, when the following telegram appeared in the newspapers, on September 14th, 1896, through Reuter's agency:

A pamphlet published in India declares that the Indians in Natal are robbed and assaulted and treated like beasts, and are unable

to obtain redress. *The Times of India* advocates an inquiry into these allegations.

This telegram naturally roused the indignation of the Colony, and added fuel to the fire. The pamphlet referred to was a statement of the grievances of the British Indians in South Africa by Mr. M. K. Gandhi, who was appointed by the representatives of the Indian community in South Africa to "represent the grievances the Indians are labouring under in South Africa, before the authorities and public men and public bodies in India".

It is necessary for your Memorialists to digress a little, and to clear up the position. Your Memorialists have no hesitation in saying that the contents of the telegram are not borne out by the pamphlet. This was admitted by all who read both. *The Natal Mercury*, on reading the pamphlet, changed the angry attitude it had taken up on seeing the telegram, in the following words:

Mr. Gandhi, on his part and on behalf of his countrymen, has done nothing that he is not entitled to do, and from his point of view, the principle he is working for is an honourable and a legitimate one. He is within his rights, and so long as he acts honestly and in a straightforward manner, he cannot be blamed nor interfered with. So far as we know, he has always done so, and his latest pamphlet, we cannot honestly say, is an unfair statement of the case from his point of view. Reuter's cable is a gross exaggeration of Mr. Gandhi's statement. He enumerates only a number of grievances, but these by no means justify anyone in stating that his pamphlet declares that the Indians in Natal are robbed and assaulted and treated like beasts, and are unable to obtain redress. (18th September, 1896).

The Natal Advertiser of the same date says:

A perusal of Mr. Gandhi's pamphlet, recently published in Bombay, leads to the conclusion that the telegraphic description of its objects and contents was considerably exaggerated. True, Mr. Gandhi complains of a certain amount of ill-treatment of indentured Indians, but there is nothing to warrant the statement that he alleges that the Indians in Natal are robbed, assaulted and treated like beasts. His is rather the old, familiar grievance that the Indian is regarded and treated by Europeans as belonging to a separate class and race, and not one of themselves. From Mr. Gandhi's point of view,

this is very deplorable, and it is easy to sympathise with him and his compatriots.

To return, although a select few could treat the above telegram at its proper value, the generality kept up their idea of the pamphlet in India derived from the telegram. Correspondence went on in the newspapers, inflaming the Europeans against the Indians. An association, called the European Protection Association, was formed in Maritzburg on the 18th day of September, 1896, at a meeting, according to reports, attended by about 30 persons. Although this meeting was the direct outcome of the action of the Trust Board above referred to, the programme of the Association is very comprehensive.

The principal efforts of the Association, according to *The Natal Witness* of the 8th October, 1896, will be directed to the further reform of the laws regulating the introduction of Asiatics into the Colony, and special attention will be directed to (a) withdrawal of all State-aid, assistance or countenance from all bodies of persons connected with Indian or other Asiatic immigration; (b) press upon Parliament the necessity of enacting such rules and regulations as will really compel the Indian to leave the Colony at the expiration of his term of indenture; (c) take all steps that may be found advisable for limiting the number of Indians introduced into the Colony; and (d) to endeavour to have the Australian laws as to immigration made applicable to Natal.

Following upon that was established an association in Durban on the 26th day of November, 1896, called the Colonial Patriotic Union. The object of the Union is stated to be "to prevent the further influx of free Asiatics into the country". The following passages occur in the statement published by the Union:

By preventing the further immigration of Asiatic races into this Colony, the interests of Europeans, Natives, and Asiatics now in the country will be protected. The Union will in no way interfere with the introduction of indentured labourers, provided such labourers, with their wives and children, if any, shall be returnable to India for completion of their indentures.

The Union have been canvassing signatures to the following petition addressed to the Government:

We the undersigned inhabitants of the Colony of Natal do hereby most respectfully petition the Government to adopt measures which would prevent the influx of Asiatic races into this Colony: '(1) The older and richer British Colonies of Australia and New Zealand have found that this class of immigrant is detrimental to the best interests of inhabitants, and have passed laws having as to their object the total exclusion of Asiatics. (2) The disproportion between white and black races is already so great in this Colony that it appears highly injudicious to further increase this disproportion. (3) The continued introduction of Asiatic races is in the highest sense detrimental to the natives of this Colony from the fact that so long as the cheaper Asiatic supply is available so long will the civilization of the natives be retarded, their civilization depending upon their intercourse with the white races. (4) The low moral tone and insanitary habits of Asiatics are a constant source of danger to the progress and health of the European population.'

The Government have declared themselves in entire sympathy with the Union programme. It will be seen that, as your Memorialists feared when the Immigration Law Amendment Bill[1] was passed, which has unfortunately received the sanction of the Home Government, it was simply a step towards further restriction. Whether the Government would bring in a Bill having for its object completion of the indentures in India is another matter. But, your Memorialists humbly submit, the fact remains that the yielding by Her Majesty's Government to the desire of the European Colonists to establish the principle of compulsory return of the indentured Indians after the completion of their contracts has encouraged them to ask for more. The Indian community is expected to join in a leonine partnership:[2] the Indians are to give all but to receive nothing worth mentioning. Your Memorialists earnestly hope that, whatever be the ultimate outcome of the present position, Her Majesty's Government will never countenance so obviously iniquitous an arrangement and stop further State-aided emigration from India to Natal.

1 *Vide* Vol. I, p. 215.
2 *Vide* p. 155, *supra*.

The petition of the Union discloses a sad want of knowledge and grave prejudice on the part of the promoters thereof. Your Memorialists need hardly say that the British Colonies alluded to have not yet been allowed to pass the class legislation of the nature indicated therein. As *The Natal Mercury*, in a leading article on November 28, reminded the Union, "the fact of the matter is that the Acts in operation in those Colonies are almost solely directed against Chinese." And, even if such Acts were to come into operation in future, there is hardly any analogy between this Colony and the others. Natal cannot do without the Indian labourers : it would fain shut the door against Indians above that level. This is hardly consistent. The Australian Colonies, on the other hand, would have this much in their favour that they would, if they could, exclude all Indians without distinction.

The disproportion between white and black races is certainly very great; but, even if the Indians were to be classed amongst black races, they are not responsible for it, for it is caused owing to there being over 400,000 natives of South Africa, as against 50,000 Europeans. The Indians, who number about 51,000, cannot materially affect the proportion even if their number were to increase to 100,000. The petition states that the introduction "of Asiatic races is in the highest sense detrimental to the natives of this Colony," because of the cheaper Asiatic supply. Now the natives can, if at all, only take the place of the indentured Indians; but the Union does not propose to do away with the indentured Indians. In fact, the highest authorities have stated it as their opinion that the natives cannot, and will not, do the work now being done by the indentured Indians; the very fact that, in spite of all this agitation, the demand for indentured Indians is greater than ever, as seen from the reports of the Immigration Department, proves this; and it is admitted that there is no competition whatever between the free Indians, who alone the Union

objects to, and the natives. As to the allegation about the low moral tone and insanitary habits of Indians, your Memorialists need hardly say anything : it simply shows to what extent prejudice has carried the promoters away. Your Memorialists would, however, crave leave to refer Her Majesty's Government to Dr. Veale's and other certificates of the same tenor, annexed to the petition with regard to the Transvaal Indian Arbitration, to the effect that class considered, the Indians live better and in better habitations than the Europeans.[1] If, however, the Indians do not attend to sanitation as well as the Europeans, the laws are there to see that they do not neglect the duty of observing the sanitary rules. Be that as it may, these meetings, the correspondence they gave rise to, and the statements made therein, without particular regard to accuracy, kept up and added to the excitement of the populace.

On the 18th of December came the two ill-fated steamers the "Courland" and the "Naderi", the first named being owned by a local Indian firm, and the second named by the Persian Steam Navigation Company of Bombay, which was under the agency of the owners of the "Courland". In dealing with the events after the arrival of the two ships, your Memorialists disclaim any intention to ventilate a personal grievance. The question, as affecting Messrs. Dada Abdulla & Company personally as owners and agents of the ships, your Memorialists would endeavour to avoid, except when it is necessary to refer to it in the interests of the Indian community as a whole. The bills of health received by the steamers at Bombay, at the time of departure, stated that there was a mild form of bubonic plague raging in certain districts of Bombay; the steamers, therefore, entered the bay flying the quarantine flag, although there was an absolutely clean bill of health during the voyage (App. A and B). The s.s. "Naderi" left the Prince's

[1] *Vide* Vol. I, pp. 203-4; also, p. 40, *supra*.

Dock, Bombay, on the 28th, and the s. s. "Courland" on the 30th of November, 1896. The steamers, on their arrival, were placed in quarantine by the Health Officer "until 23 days had elapsed since leaving Bombay". By a proclamation which appeared in a *Government Gazette Extraordinary*, on the 19th December, 1896, Bombay was declared to be an infected port. On the same day, the owners and agents wrote to the Health Officer, on the strength of a newspaper report, asking the cause of the ships being put in quarantine. (App. C). No reply was sent to that communication. On the 21st of the same month, a telegram was sent by the owners' solicitors, Messrs. Goodricke, Laughton and Cooke, to the Honourable the Colonial Secretary of Natal with reference to the matter, and asking if His Excellency the Governor would receive a deputation. (App. D). Reply thereto was received from Maritzburg on the 22nd that there would be no need of a deputation, for reasons stated in Appendix E. But after their solicitors had despatched the telegram, they were informed that His Excellency was in Durban, whereupon they wrote a letter to the Honourable Harry Escombe to much the same effect (App. F), and a reply thereto was received, saying that, while the ministers would be referred to for advice in the matter, if it was so wished, a deputation would be received by His Excellency on the 23rd. (App. G). On the 22nd, the master of the "Courland" signalled as follows: "Our days have expired; are we out of quarantine? Please consult quarantine officer, report we all well. Thanks." (App. A). To this a reply was signalled to the effect that the length of quarantine was not decided till then. A similar signal was sent from the "Naderi" with a similar result. Your Memorialists may here parenthetically remark that the owners and agents were kept absolutely in the dark as to what was going on between the masters of the vessels and the officers on shore. On the 23rd, a reply to signals from the "Naderi" said: "Quarantine Officer has no instructions

yet." (App. B). From the solicitors' letter (App. P), it appears that since the Health Officer had ordered that the ships were to remain in quarantine until 23 days had elapsed after the day of their departure from Bombay, he was suspended or dismissed, and Dr. Birtwell put in his place. On the 24th, Dr. Birtwell and the Superintendent of Water Police boarded the vessels and examined passengers and crew, gave instructions as to disinfection, fumigation and burning of soiled clothing, all mats, baskets and useless articles in the donkey furnace, and imposed 11 and 12 days' quarantine on the "Courland" and "Naderi" respectively. (App. A & B). In accordance with the instructions, much of the old clothing, mats etc., were burnt, and fumigation and disinfection carried on. On the 28th, a police officer boarded each vessel with instructions to superintend the use of disinfectants. The following signal was hoisted on the 29th, from the "Courland": "Disinfection and fumigation carried out to satisfaction of officer on board." A similar signal was also sent from the "Naderi" on the same day. The "Courland" signalled again : "We are ready, waiting for the Quarantine Officer", and Dr. Birtwell went, inspected the ships, and declared himself satisfied with the manner in which his orders had been carried out; but placed both the ships under quarantine for a further period of 12 days from that day. Thereupon, the master of the "Courland" gave the signal that :

> By order of the Government, all passengers' bed clothes having been burnt, request Government renew same at once, as passengers' lives are in danger without them. Want written instructions how long quarantine is to last, as verbal time changes every visit of Quarantine Officer. No case of sickness occurring in the interval. Give notice to the Government our ship has been disinfected every day since leaving Bombay.

The following was signalled from the "Naderi" on the 30th:

> Ask Government to supply at once 250 blankets for passengers, instead of those destroyed by Government. Passengers are suffering

greatly without them. Otherwise disembark them at once. Passengers suffering from cold and wet; fear sickness in consequence.

These signals were altogether disregarded by the Government. Happily, the Indian residents in Durban started a Quarantine Relief Fund, whereby blankets were supplied to all the passengers on both the ships, and also foodstuffs to the poor passengers, free of charge, involving an expense of not less than £125.

While this was going on on board the ships, the owners and agents were busy protesting against the quarantine and the somewhat capricious, because uncertain, ways in which the same was being enforced. They forwarded a petition to His Excellency the Governor, praying that, for reasons stated therein, the Medical Officer of the Port "be directed to grant pratique to the said vessels". (App. H). Certificates from medical gentlemen were attached to it showing that, in their opinion, the quarantine then intended and afterwards imposed on the ships was unnecessary. (Ann. to App. H). A telegram was sent by the owners' solicitors, asking for a reply to the petition (App. I), but none came. On the 24th December, the owners' solicitors wrote to the acting Health Officer, requesting him to grant pratique to the said vessels on the grounds stated therein. (App. J). The officer in question the same day wrote in reply:

I am endeavouring to do my duty as Health Officer with due regard to all interests. I am willing to authorise the placing in quarantine on the Bluff,[1] at the cost of the ships, all persons intended to be landed, and when this is arranged for, pratique may be given to the ships after my instructions have been carried out. (App. K).

Your Memorialists respectfully draw your attention to the fact that the Medical Officer fails to state what his instructions are, even in that letter. On the 25th, the owners' solicitors wrote to the Acting Health Officer

[1] This is the bush-clad hill-point of Durban harbour, commanding a vantage view of the bay, where passengers could be lodged in quarantine quarters. *Vide* p. 263, *infra*.

pressing for a reply to their question contained in their letter of the 24th. (App. L). The Health Officer replied the same day that he did not consider it safe to grant pratique to the vessels except on the conditions stated by him. (App. M). The owners' solicitors wrote the same day expressing surprise that it did not contain any answer to their question, and pressing for the same, also asking for the exact conditions under which he would grant pratique. (App. N). On the 26th, the Health Officer replied in the following terms:

> If the passengers are not landed into quarantine quarters, 12 days must run after fumigation of ship and precautions as regards clothing, namely, by washing and disinfecting, and the burning of sundry old rags, mats, sacks, etc., in accordance with instructions given by me to each Captain, before pratique can be given. If the owners agree to bear the expense of quarantine, then the landing must be preceded by fumigation and precautions as above, and after the landing is effected, the departure of the steamers will be facilitated; but there must be no contact with shore except under proper restrictions. If you want to get the steamers away, the simplest course will be to arrange for the owners to bear the expense of quarantining the passengers on the Bluff for twelve days after fumigation etc., of the ship, or for any longer period, should such necessity arise. (App. 0).

The owners' solicitors wrote in reply the same day, drawing his attention to the certificates given by Drs. Prince and Harrison above referred to, and protesting against the conditions imposed by him. They also protested that, although upwards of eight days had elapsed since the arrival of the steamers, no steps had been taken to disinfect the vessels in the way he had proposed. They further said that their clients refused to be party to any proceedings with reference to placing the passengers in quarantine on shore, as they did not consider his refusal to grant pratique to be a legal action. They, moreover, recorded the facts that his predecessors had "stated as his opinion that pratique could be granted without danger, and that if he were permitted he would do so, but he was thereupon suspended,"

and "that Drs. MacKenzie and Dumat, having been privately interviewed by Mr. Escombe on the question, were, at his suggestion, called in by him to give their opinion as to the refusing of pratique." (App. P).

While the correspondence was thus going on between the Government and the owners' solicitors with reference to the quarantine, and while the passengers on board the two vessels were being subjected to grave inconvenience and hardship, an agitation was being got up in Durban with a view to prevent the landing of the quarantined passengers. The following notice appeared in *The Natal Advertiser*, for the first time on the 30th December, above the signature of "Harry Sparks, chairman of preliminary meeting", one of Her Majesty's commissioned officers:

> Wanted every man in Durban to attend a meeting to be held in the large room at the Victoria Cafe, on Monday the 4th January at 8 o'clock for the purpose of arranging a demonstration to proceed to the Point and protest against the landing of Asiatics.

This meeting was ultimately held in the Town Hall of Durban. Inflammatory speeches were made, and some commissioned officers, besides Captain Sparks, also took part in the animated proceedings. The meeting is said to have been attended by about 2,000 persons, mostly of the artisan class. The following resolutions were passed at the meeting:

> That this meeting is strongly of opinion that the time has come to prevent the landing of any more free Indians or Asiatics in this Colony, and now calls upon the Government to take steps to have returned to India, at the Colony's expense, the Asiatics at present on board the "Naderi" and "Courland", and to prevent any other free Indians or Asiatics being landed in Durban.

> Every man at this meeting agrees and binds himself, with a view to assisting the Government to carry out the foregoing resolution, to do all his country may require of him, and with that view, will, if necessary, attend at the Point any time when required.

The following are extracts from the speech of Dr. MacKenzie, the mover of the second resolution, and

one of those who, as stated above, were called by Mr. Escombe to determine the period of quarantine :

> Mr. Gandhi, (prolonged hissing and hooting) that gentleman came to Natal and settled in the borough of Durban. He was received here freely and openly; all the privileges and advantages which the Colony could afford him were at his disposal. No contracting or circumscribing influence was brought to play upon him any more than on the audience or himself (the speaker), and he had all the privileges of their hospitality. In return, Mr. Gandhi had accused the Colonists of Natal of having dealt unfairly with Indians, and of having abused and robbed and swindled them. (A voice, 'You can't swindle a coolie.'). He (the doctor) quite agreed with that. Mr. Gandhi had returned to India and dragged them in the gutters, and painted them as black and filthy as his own skin. (applause). And this was what they might call, in Indian parlance, an honourable and manly return for the privileges which Natal had allowed him. . . . It was the intention of these facile and delicate creatures to make themselves proprietors of the only thing that the ruler of this country had withheld from them— the franchise. It was their intention to put themselves in Parliament and legislate for the Europeans; to take over the household management, and put the Europeans in the kitchen. . . . Their country had decided that they had enough Asiatics and Indians here, and they were going to treat them fairly and well, provided they behaved themselves; but, if they were going to associate themselves with such men as Gandhi, and abuse their hospitality, and act in the way he had done, they might expect the same kind of treatment that was to be meted out to him. (applause). However great a misfortune it might be for those people, he could not get over the distinction between black and white.—*The Natal Advertiser*, 5th January.

Comment is superfluous. That Mr. Gandhi has done nothing to justify the remarks about him, will have been seen from what has preceded. That the Indians want legislative powers and that they want to put the Europeans in the kitchen, are but the products of the gallant doctor's fertile imagination. These and such utterances would not have been noticed here but for the hold they had on the popular mind. The Government wired the following reply to Capt. Sparks' telegraphic communication, giving the text of the above resolutions:

> In reply, I am to state that the Government has at present no power, apart from such as may be conferred by the Quarantine Laws, to prevent the landing in the Colony of any class of Her Majesty's subjects. I am to state, however, that the closest attention has been, is being, and will be given to this question, the extreme importance of which the Government most completely recognises. Government is in full sympathy with the consensus of public opinion in this Colony as regards the desirability of preventing the overrunning of the Colony by Asiatics. Government is carefully discussing and considering this question with a view to future legislation; but I am to point out that its action will be thwarted rather than helped by any action or demonstration of the character indicated in the second resolution.

Thus, it would appear that the quarantine was meant more to harass the passengers into returning to India, than to protect the Colony against the introduction of the bubonic plague. The chairman then telegraphed the Government as follows:

> I am instructed by the Committee to thank you for wire, and have now to ask Government to convey to the Asiatics on board the "Naderi" and "Courland" the strong popular feeling against their landing, and request them to return to India at the Colony's expense.

Another meeting, convened by Captain Sparks, was held on the 7th January, again in the Town Hall, when the following resolutions were passed :

> That this meeting requests the Government to call a special session of parliament to take steps to temporarily stop the importation of free Indians, pending the passing of law giving Government these powers; (and) that we proceed by demonstration to the Point on the arrival of the Indians, but each man binds himself to conform to the orders of the leaders.

The speeches at the meeting clearly show that the Government were in full sympathy with its objects, that they would not oppose the mutinous tendency of the meeting, that the imposition of quarantine was nothing but a means to prevent, if possible, the landing of the passengers, and that a special session was to be called in order to pass a Bill indefinitely extending the quarantine. The following are

the extracts from the speeches which would illustrate these remarks:

> If the Government could not possibly help them, then (a voice, "help ourselves") they must help themselves. (loud applause).

Capt. Wylie, in the course of his speech, is reported to have said:

> Now, they must be pleased to know this, that the action that they (the meeting) had taken had been characterised by the members of the Government as having done more for this cause than anything that had yet been done within the Colony. (applause).

Thus, perhaps, inadvertently but surely inducing the promoters to further action.

> But at the same time they have to bear in mind in carrying this thing through they must not do anything rash to frustrate the end they had in view. They must be careful not to blindly jump over the wharf and leave it clear for the others to land. (laughter).

Dr. MacKenzie said at the last meeting that:

> The Indian Ocean was the proper place for those Indians (laughter), let them have it. They were not going to dispute their right to the water there. But they must be careful not to give them the right to dispute the land adjoining that ocean. Mr. Escombe treated the Committee at an interview that morning, extending for about two hours, in a fair and reasonable manner. He said the Government were with them, and wished to help them and expedite the matter in every possible way. He said, however, that they must be careful not to do anything that would hamper the Government's hands. . . . In their argument to him, they replied: 'If you do nothing, we will have to act ourselves, and go in force to the Point to see what could be done.' (applause). They further capped that with the remark that the Government of the Colony would have to bring a force to oppose them. Mr. Escombe replied that they would do nothing of the sort (applause); that the Government were with them, but, he continued, if they put the Government in such a position that they might have to go to the Governor and ask him to take over the reins of the Government, they would have to find some other person, (interruption)....

(This statement, your Memorialists may remark, remains uncontradicted to the present day, and it can easily be imagined what impetus such a statement would give to the movement.)

...Some gentleman said 'extend the quarantine', that was exactly what Parliament was going to do. (applause, and cries of 'sink the ship'). He heard a naval volunteer say last night that he would give a month's pay for a shot at the ship; was every man present prepared to pay down a month's pay to carry out the object of that meeting ? (applause, and cries of assent). Then the Government would know what they had behind them. One of the objects of the meeting was to convey to the Government the wish that they wanted a special session of Parliament to extend the quarantine. (applause). They must bear in mind that hasty legislation seldom reached its end; but there might be such legislation that would give them time, and protect them while they were fighting for proper legislation. They suggested to Mr. Escombe, and it met with his approval, that as the quarantine laws did not give power to extend the quarantine for an unlimited period, they asked that Parliament be called together for one, two, or three days if need be, to pass a law which would enable them to say Bombay was an infected district. We declare it to be such, and until that proclamation was taken off, no Indian could come from Bombay to this Colony.[1] (loud applause). He thought that the deputation were quite entitled to infer from the meeting they had with Mr. Escombe that morning, that if they went the right way to work, and not do anything to hamper the Government, they would get that session of Parliament at the earliest possible date, and thereby prevent the landing of more coolies until they could get time to pass a law which would last for ever. (applause).

Dr. MacKenzie:

The men of Durban were unanimous on that point (early parliament). He said "the men of Durban," because there were a few old women knocking about the place. (laughter and cheers). They had only to take the tone of some of the leaders in the papers, and some of the cautious and sage advice they had been meting out to them to get the type of the man who sticks behind the quill—the sort of man who urged that sort of thing—was the man who presumed to say that the burgesses did not know what was right.... All but one man on board these boats, lying outside, had no reason to suspect that they would not be agreeably received as emigrants to this Colony. One man might reasonably be supposed to have some suspicions upon that point. That gentleman (Gandhi) was on board one of the boats, and in what he now said, he did not refer to him. They had the right

[1] A Bill was, in fact passed by the Natal Legislature a little later. *Vide* p. 288 and pp. 338-9, *infra*.

to shut the Port, and they intended to shut it. (applause). They would deal fairly by the people, and by the men on these boats, and to that extent, by that solitary individual. But he hoped there would be a marked difference between the character of the dealing. When they got to the Point they would put themselves under their leader, and do exactly what he told them, if he told them to do anything (laughter).

A document headed as follows was circulated amongst the Durban employees by the Demonstration Committee :

List of names of members, trade or profession mentioned,[1] who are willing to proceed to the Point and resist by force, if necessary, the landing of Asiatics, and to obey any orders which may be given by the leaders.

The following passage from Captain Sparks' concluding speech, at the meeting of the 7th, gives an idea of the methods adopted by the Committee to enlist men to join the Demonstration:

They intended to call upon the merchants of the town to close their places of business to allow the men who wished to take part in the Demonstration to do so. (applause). Then they would be able to see who was on their side. Several merchants had already promised to do all they could; others they wanted to show in their true colours. (cries of "boycott them").

At this stage it would be worth while to see what was happening between the owners and the Government to secure the peaceable landing of the passengers. Your Memorialists may here remark that the town, during the first week in January, was in a perfect state of excitement. It was a time of terror and anxiety for the Indian residents, and collision between the two communities was to be feared at any moment. On the 8th January, 1897, the owners and agents of the ships sent a petition to the Government drawing their attention to the state of public feeling that existed in Durban against the landing of Indians, and asking for "the protection of the Government for passengers and property against the lawless acts of any

[1] *Vide* pp. 207-8, *infra*.

persons whoever they may be," and signifying their readiness "to co-operate with the Government in taking all the necessary steps for the landing of passengers quietly and unknown to the public in order to render unnecessary any act on the part of the Government which might tend to intensify the excitement" which then existed. (App. Q). A letter was sent on the 9th January, further drawing the attention of the Government to the circulation of the document hereinbefore referred to for the forcible resistance against the landing of passengers, as also to the fact that the railway men, being employees of the Government, were to take part in the Demonstration, and praying for assurance of the Government that "Government servants will be prohibited from taking any part in the Demonstration". (App. R). On the 11th January, the Principal Under-Secretary thus wrote in reply :

> Your proposals for the landing of the passengers quietly and unknown to the public is impossible. The Government understand that you have requested the Port Captain not to bring the vessel inside without special instructions. This action on your part, and your letters now under reply, show that you are aware of the intense feeling throughout the Colony against the landing of the Indians, and they certainly should be informed of the existence and strength of that feeling. (App. S).

Your Memorialists here cannot help regretting that the Government should have made the concluding remarks in that letter. Instead of giving an assurance of protection when it is asked, the Government advise the owners, in so many words, to induce the passengers to return. This letter, more than anything else, in your Memorialists' humble opinion, shows that the Government indirectly countenanced the agitation, and betrayed their weakness, where a strong expression of opinion might have stifled it, and produced a healthy confidence in their just intentions in the minds of the Indian community, apart from their policy with regard to the unrestricted immigration of Her Majesty's Indian subjects. On the 10th January, the Honourable

Mr. Harry Escombe being in Durban, Mr. Laughton, of the firm of Messrs. Goodricke, Laughton & Cooke, the owners' solicitors, took the opportunity to interview him, and wrote a letter to the honourable gentleman, embodying the substance of their conference. (App. T). From that letter it would appear that Mr. Escombe repudiated the statement attributed to him by Mr. Wylie and referred to above. It would also appear that the following propositions were recognised by the Government :

> That upon the requirements of the quarantine being carried out, pratique must be granted to the steamers "Courland" and "Naderi"; that upon pratique being granted, the steamers were entitled to discharge their passengers and cargo at the wharf, either by the steamers being brought inside, or by means of tugs and lighters; that the Government is responsible for the protection of passengers and cargo from the violence of rioters.

The reply to the letter dated the 11th January (App. U) said that the interview referred to therein was, it was understood, to be regarded as a private meeting, and did not accept as correct Mr. Laughton's record of what was said by the Honourable Mr. Escombe and Mr. Laughton. On the 12th January, Messrs. Goodricke, Laughton and Cooke wrote in reply, explaining how the interview came to be regarded as not private by Mr. Laughton, and in order to avoid misunderstanding, applied for the correction of the alleged inaccuracies committed by Mr. Laughton in recording the interview. (App. V). So far as your Memorialists are aware, no reply was returned thereto. On the same day the owners wrote to Mr. Escombe in reply to the Principal Under-Secretary's letter, dated 11th January. (App. S). Their letter expressed surprise at there being no reference in that communication to the various points brought to the notice of the Government. It contained the following paragraph :

> The steamers have now been at the outer anchorage for 24 days, at a cost of £150 per diem to us; and this being so, we trust you will see the reasonableness of your giving us a full answer by noon tomorrow.

And we think it right to inform you that failing a definite reply giving us an assurance that we shall be paid £150 per diem from Sunday last, and that you are taking steps to suppress the rioters so as to enable us to disembark the steamers, preparations will be at once commenced to steam into the harbour, relying on the protection which we respectfully submit, Government is bound to give us. (App. W).

Mr. Escombe wrote as follows in reply, from the Point, at 10.45 a.m., on the 13th :

The Port Captain has instructed that the steamers shall be ready to cross the bar inwards at 12 o'clock today. The Government needs no reminder of its responsibility for the maintenance of order. (App. X).

This was the first assurance that the owners received from the Government with regard to the safety of the passengers, and as will appear hereinafter, after all the resources, including threats of violence to induce the passengers to return to India, had been exhausted.

To turn now to the steamers. On the 9th January, the following signal was put up from the "Naderi": "Quarantine finished. When shall I obtain pratique, please reply;" and the "Courland" put up a similar signal on the 10th. But the pratique was not granted until after the noon of the 11th January, 1897. On the same day a letter was received by the master of the "Courland", dated the 8th January, 1897, and signed "Harry Sparks, Chairman of Committee", which reads:

Neither you nor your passengers may be aware that the feeling in the Colony against the inflow of Asiatics has been running very high lately, and has culminated on the arrival of your ship and the "Naderi". Following on that, public meetings have been held in Durban, at which the enclosed resolutions were carried with acclamation. So largely attended were these meetings that all desiring it could not get into the Town Hall. Almost every man in Durban has signed signifying his intention to prevent those on board your ship and the "Naderi" landing in the Colony, and we are most desirous there should, if possible, be avoided a conflict between the men of Durban and your passengers which will most assuredly happen, if they attempt to land. As your passengers are ignorant of the state of feeling, and have come here in ignorance, and we have it from the Attorney-General that if your people are willing to return to India, the Colony

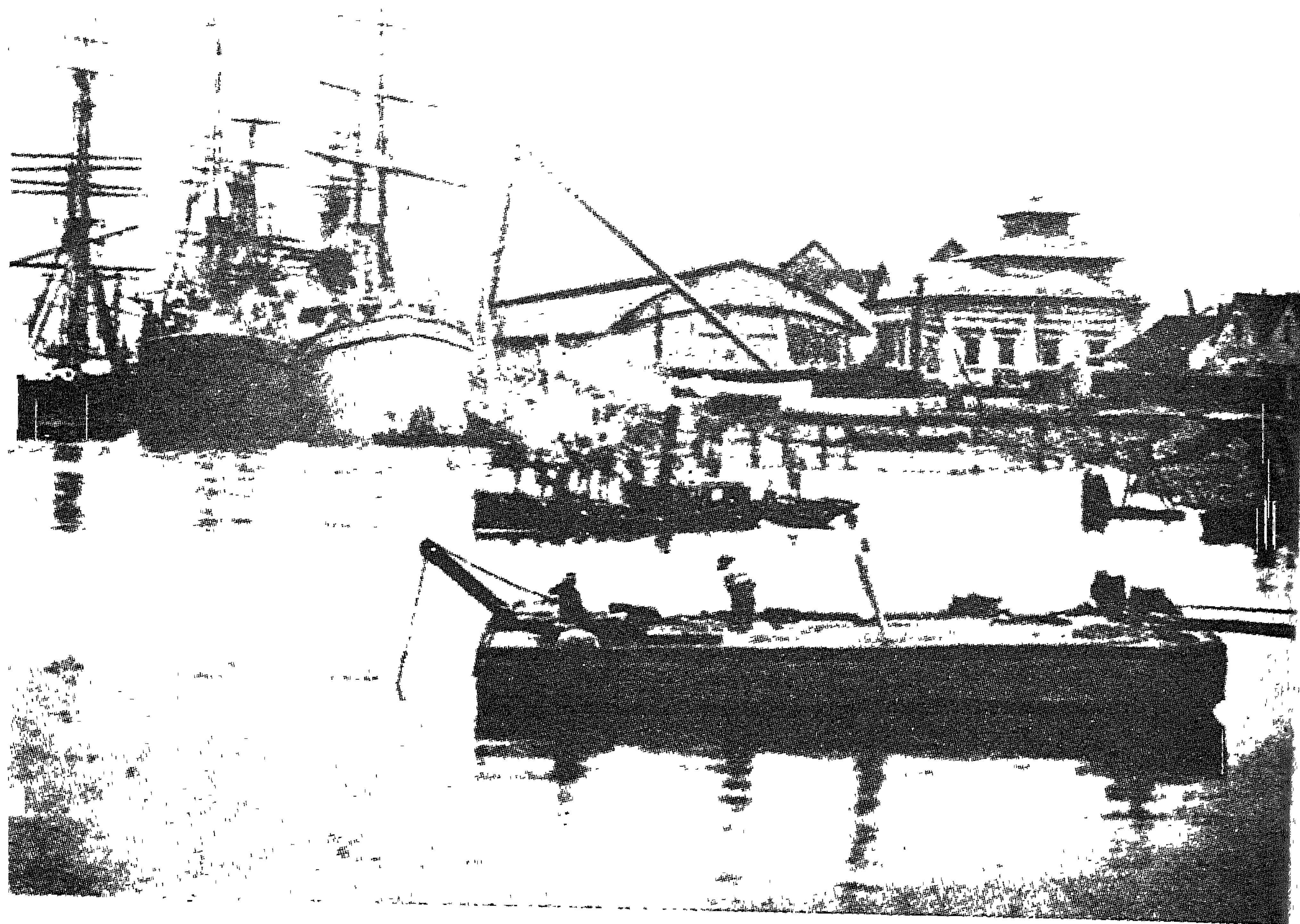
will pay the expense. We shall, therefore, be glad to receive an answer from you before the ship comes alongside the wharf, whether the passengers elect to return to India at the Colony's expense, or to endeavour to force a landing against the thousands of men who are ready, and waiting to oppose their landing. (App. Aa.)

The masters of both the vessels, on learning that there was an intense feeling against the landing of the passengers, that the Government were in sympathy with the agitation, and that they practically failed to assure protection to passengers, and that the Demonstration Committee practically represented the Government (as would appear from the Committee's letter to the master of the "Courland", from their unrestricted interference with the passengers on board the s.s. "Greek", of the Union Steam Ship Company's fleet, which arrived on 11th January from Delagoa Bay with some Indian passengers, from the acquiescence of the Port officials in their conduct, as also from the willingness of the Union Steam Ship Company's management to "obey the orders" of the Committee, etc.), naturally became anxious about the safety of their charge and were induced to parley with the Committee. Consequently, they went ashore on the evening of 11th January, and held consultations with the Demonstration Committee, in the course of which a document was drawn up by the Committee for signature of the captains (App. Wa), which, however, they could not sign, and the negotiations thus fell through.

It might be as well to examine the position of the Committee at the time immediately preceding the Demonstration. One of the spokesmen of the Committee, Dr. MacKenzie, observed: "Their position was the same as at first, viz., that none of the Indians were to land." (applause). Another member of the Committee, Captain Wylie, in the course of a speech, in response to "Where is Gandhi?", said:

Where they hoped he would remain. 'Had they' (deputation sent by the Committee to the steamers) 'seen him?' No. The Captain of the "Courland" had treated Gandhi as he treated the other

THE LAST PAGE OF THE PETITION OF MARCH 27, 1897, SHOWING THE REPRESENTATIVE CHARACTER OF MEMORIALS SUBMITTED BY INDIANS



THE LANDING STAGE, THE POINT, DURBAN HARBOUR, IN THE 'NINETIES

passengers. (applause). He knew their opinion regarding him. There was not much more he could tell them. 'Have you the tar ready for him ? Is he going back ?' It was their sincere hope that the Indians would be going back. If not, then the Committee would want the men of Durban.

When, says *The Natal Advertiser* (16th January), the signal was received that the "Courland" and "Naderi" were daring to come into Port, and the trumpeters galloped through the streets and borough shortly after 10 o'clock on Wednesday morning, the general impression was that the poor Indians were in for a rough time if they attempted to land, and that even if they remained on board, afraid to disembark, they would be deafened and scared into hysterics by the hooting, groaning, and the jeering of the assembly. But the end was to be the same as originally intended—"no landing at any price".

Long before the owners were informed that the ships were to be brought in that day, the town knew it. The bugles to rally were sounded at 10-30 a.m., the shopkeepers put up their shutters, and people began to flock to the Point. The following is an account of the muster at the Point, taken from *The Natal Advertiser:*

Shortly before 12 o'clock, the muster on Alexandra Square was completed, and as far as could be ascertained, the sections were as follows : Railway men, 900 to 1,000—Wylie, leader; assistants : G. Whelan, W. Coles, Grant, Erlsmont, Dick, Duke, Russell, Calder, Titheridge. Yacht Club, Point Club, and Rowing Club, 150—Mr. Dan Taylor, leader; assistants : Messrs Anderton, Goldsbury, Hutton, Harper, Murray Smith, Johnston, Wood, Peters, Anderson, Cross, Playfair, Seaward. Carpenters and Joiners, 450—Puntan, leader; assistants : H. W. Nichols, Jas. Hood, T. G. Harper. Printers, 80—Mr. R. D. Sykes, leader; assistants : W. P. Plowman, E. Edwards, J. Shackleton, E. Trolley, T. Armstrong. Shop Assistants, about 400—Mr. A. A. Gibson, J. McIntosh, leaders; assistants : Messrs. H. Pearson, W. H. Kinsman, J. Pardy, Dawson, S. Adams, A. Mummery, J. Tyzack, Johns, J. Rapson, Banfield, Etheridge, Austin. Tailors and Saddlers, 70—J. C. Armitage, leader; assistants : H. Mulholland, G. Bull, R. Godfrey, E. Manderson, A. Rose, J. W. Dent, C. Dowse. Plasterers and Bricklayers, 200—Dr. MacKenzie, leader; assistants: Horner, Keal, Brown, Jenkinson. Point men, a small section—J. Dick, leader; assistants : Gimber, Clackston, Poyson, Elliott, Parr. General public, about 1,000—T. Adams, leader

assistants: Franklin, A. F. Garbutt, G. W. Young, Somers, P. F. Garbutt, Downard. Native section, 500—Mr. G. Spradbrow and Mr. R. C. Vincent organised the natives, and kept them in order on Alexandra Square, while the Demonstration was going on. They told the natives they had appointed a dwarf native as their leader. They were highly amused with this diminutive chap, who marched up and down in front of their ranks officering them, while they went through a number of exercises with their sticks, and danced and whooped. This proved an excellent diversion to keep the natives out of trouble. Later on, Supt. Alexander appeared on horseback and moved them off the Square.

Your Memorialists cannot do better than quote again from the same paper of the 14th a description as to how the steamers were brought in, and what happened then:

Great uncertainty was felt on board the vessels as to what form the Demonstration would assume. Capt. Milne, of the "Courland", who exhibited the bolder attitude of the two, was allowed to have his vessel taken in first, although she lay further up the coast than the "Naderi". He decided that some efforts should be made to protect his passengers, as he had received no assurance from Government that any steps had been taken to do so. He, therefore, had the Union Jack run up at the forecastle head, the red ensign was placed above the ship's house flag at the main mast, and the red ensign was also exhibited at the stern. His instructions to his officers were to prevent any demonstrators from coming aboard, if possible, but that, if they did come aboard, to haul down the Union Jack and present it to the invaders, his idea being that no Englishman would seek to molest those on board after this surrender. Fortunately, as matters resulted, it was not necessary to have recourse to this action. As the "Courland" entered the bay, all eyes were on the look-out to see what form the Demonstration was taking. A row of people, extending from the south end of the main wharf to some distance along the north pier, could be perceived, but they seemed to take matters very calmly. The Indians on board did not seem much scared, and Mr. Gandhi and a few others who were on deck, looked on with an unperturbed expression. The main body of the demonstrators, who had thronged the vessels at the main wharf, could not be seen from the incoming steamers. The surprise experienced by those on the embankment when they saw the "Courland" laid alongside the Bluff Channel moorings, was seen by their actions. They were seen to rush hither and thither, entirely at a loss how to proceed, and soon they all left to

attend the meeting on Alexandra Square. This was the last that the vessels were to see of the much-talked-of Demonstration. Meanwhile, Mr. Escombe was pulled alongside the "Courland" in a rowing boat, which was also occupied by Captain Ballard, Port Captain, Mr. Reid, wharfmaster, and Mr. Simpkins, mooring master. The Attorney-General said : 'Captain Milne, I want you to inform your passengers that they are as safe under the Natal Government laws as if they were in their own native villages.' The Captain asked if it was advisable for him to allow them to land. Mr. Escombe replied that he (the Captain) had better see him again first. Having made a similar communication to the "Naderi", Mr. Escombe was pulled ashore to address the crowd. The "Naderi" and "Courland" were laid side by side near to the Bluff passenger jetty, the "Courland" being nearest to land.

After the above assurance was given by Mr. Escombe, he went to Alexandra Square, Point, where the muster had taken place, and addressed the men who had assembled there, promising an early session of Parliament to deal with the question and requesting them to disperse. Speeches were also made by some members of the Committee, and the crowd ultimately melted away. It might be useful to note here some of the exclamations from the audience at the time these speeches were being made, as also a few passages from the speeches themselves :

"Send them back." "Why don't you bring Gandhi ashore ?" "Get the tar and feathers ready." "Send these Indians back." "The hold of the British on South Africa would not be maintained by slumping them with the miserable refuge of the social gutters of India." (applause).—Dr. MacKenzie. "He was just as game as anybody to take a coolie by the neck and throw him overboard. (applause).... Now about that man Gandhi. (applause). They might shout about him. He was a particular friend of his, they might depend upon it. (laughter). Gandhi was on board one of the boats and the greatest service they could do him would be to do him an injury. He believed Gandhi was very anxious to become a hero and a martyr to his cause. The greatest punishment which could be inflicted upon him was to allow him to live amongst them. If he lived amongst them, they would have an opportunity of spitting on him (laughter and applause), which they would not have if they wiped him out. He (the speaker) would rather hang himself than be

spat upon by every man in the street."—Dan Taylor.

The passengers landed in small batches in ferry boats, about two hours after the crowd had dispersed. As for Mr. Gandhi, the Superintendent of Water Police was instructed by Mr. Escombe to offer to land him and his family quietly at night that day. Mr. Gandhi accepted the offer with thanks. Later on, the same day, Mr. Laughton paid him a friendly visit on board, and suggested that they should land together. The suggestion was accepted,[1] and on his own responsibility, at his own risk, and without previously informing the Water Police, [he] landed near Addington with Mr. Laughton at about 5 o'clock. He was recognised by some boys, who followed him and his companion, and as they were proceeding along West Street, the main street of Durban, the crowd became large. Mr. Laughton was separated from him; Mr. Gandhi was kicked, whipped, stale fish and other missiles were thrown at him, which hurt his eye and cut his ear, and his hat was taken off his head. While this was going on, the wife of the Superintendent of Police, who happened to be passing by, bravely afforded protection with her umbrella, and the police, on hearing the yells and the cries, came to the rescue, and escorted him safely to an Indian house. But the crowd which had, by this time, become very large, did not leave, and blockading the front of the house, demanded "Gandhi". As darkness deepened, the crowd continued to swell. The Superintendent of Police, fearing serious disturbance, and forcible entry into the house, had Mr. Gandhi removed to the Police Station disguised as a police constable. Your Memorialists do not wish to take any advantage of this incident; it is mentioned here as a part of the events. They are prepared to admit that the assault was the work of irresponsible persons, and as such unworthy of notice. But at the same time, they cannot help remarking

[1] *Vide* p. 166, *supra*.

that, had not the responsible members of the Committee incited the populace against him, and had not the Government countenanced the proceedings of the Committee, the incident would never have occurred. This closes the Demonstration.

Your Memorialists now crave leave to examine the immediate causes of the Demonstration. Statements appeared in the newspapers to the effect that there were 800 passengers on board the two ships, all being for Natal; that there were 50 blacksmiths and 30 compositors, and that there was a printing plant on board the "Courland", and that Mr. Gandhi—

> had made a big mistake in imagining that the Europeans of Natal would sit still while he organised an independent immigration agency in India to land his countrymen here at the rate of 1,000 to 2,000 per month.—(*The Natal Mercury*, 9th January).

The leader of the Demonstration thus explained the cause at a meeting held after the Demonstration:

> At the latter end of December he noticed a paragraph in *The Natal Mercury* to the effect that Mr. Gandhi intended suing the Government on behalf of the passengers on the two ships the "Courland" and the "Naderi", for damages, by reason of their being placed in quarantine. This made his blood boil with indignation. He was then determined to take the matter up, and meeting Dr. MacKenzie, suggested that a demonstration would be promoted to protest against the landing of these men....He concluded: He had been a volunteer and had served for over 20 years....He was as loyal as any man there... but when they placed the Indian subjects on one side and his home and family on the other, the birthright of his children and the memory of his dear parents and what they had done to make the Colony what it was, he would do the only thing he could, and the only thing they could expect of him. (applause). Rather than this evil, he would be content to hand matters over to the tender mercies of the Transvaal Government—that would be simply a drop in the ocean compared with this evil.—(*The Natal Mercury*, 18th February).

It was also stated that the Indian passengers, instigated by Mr. Gandhi, and possibly by other lawyers that he

may have brought with him, were to sue the Government for damages for illegal detention in quarantine. *The Natal Mercury* made the following remarks in its issue of the 30th December :

> The report that the Indians on board the s.s. "Naderi" and "Courland" intend bringing an action against the Government for damages for alleged illegal detention in quarantine, almost confirms the rumour that Mr. Gandhi is on board. His keen legal instincts have scented a splendid brief to occupy him immediately on his release from the durance vile of the quarantine and purifying effects of the carbolic bath. The large sums of money said to have been subscribed for the purpose would naturally go to Mr. Gandhi, whether the case was lost or won, and nothing, in fact, could suit the gentleman better than such an interesting case to devote his attention to immediately he got on shore. Probably he has some of the other Indian lawyers he said he intended bringing with him on board, and, among them, they have persuaded the other Indians on board to sue for damages.

The Natal Advertiser of the 29th December contained the information about the alleged legal proceedings, and it came out with the following, the next day:

> The feeling against the wholesale importation of free Indians has steadily increased in Durban, and the recent arrival of 700 more Indians of this class by the steamers "Courland" and "Naderi", would seem to have aggravated the feeling. The announcement that an Indian clique intended to sue the Natal Government for heavy damages for the detention of the steamers in the anchorage, apparently brought the question into more painful prominence still, for yesterday afternoon rumours were quickly circulated in town to the effect that some protestation against the landing of any more free Indians should be made. Some suggestions were made in all seriousness that a mass of Europeans should proceed to the Point on the day fixed for the disembarkation of the Indians from the "Courland" and "Naderi", to actually prevent passengers landing. The method mooted was for the Europeans to form human lines three or four deep, and with locked hands and arms, offer a complete bar to the immigrants. Such, however, was probably merely general talk. The growth of the anti-Asiatic feeling is unquestionable, and is plainly evidenced by the following advertisement, which appears in another column at the head of the signature of Mr. Harry Sparks : 'Wanted every man in Durban to attend a meeting to be held in the large room at the Victoria Cafe,

on Monday evening next, at eight o'clock, for the purpose of a demonstration to proceed to the Point, and protest against the landing of Asiatics.'

Your Memorialists would beg to draw your attention to the distinction between the causes that led up to the Demonstration, and that have been alluded to hereinbefore, and the immediate causes described above. It is quite possible that the Demonstration may not have taken place but for the above-mentioned statements which appeared in the Press. They were, however, absolutely without ground. Even if they were true, your Memorialists submit, the action of the Demonstration Committee could not be justified. As it was, the members of the Committee did an injustice to the European, Native, and the Indian communities in the Colony as well as to themselves and Mr. Gandhi: to the European community, because their action created a lawless spirit amongst them; to the Native, because the presence of that element at the Point, no matter by whom brought about, tended to excite their passions and warlike spirit, over which, when once aroused, they have little control; to the Indian, because they were subjected to a severe trial, and the bitterness of feeling against them was considerably accentuated owing to the action of the Committee; to themselves, because they took upon themselves the tremendous responsibility of defying law and order, without ascertaining the truth of their statements; and to Mr. Gandhi, because owing to gross misrepresentations, no doubt made unwittingly, about him and his doings, he very nearly lost his life. Instead of there being 800 passengers for Natal, there were only 600 in all, of whom about 200 were for Natal, the rest being for Delagoa Bay, Mauritius, and the Transvaal; and of these 200, over 100 were old residents of Natal who had gone to India and returned, and less than 100 were newcomers, including about 40 ladies, being wives and relations of the Indian residents of Natal; and the remaining 60 were either store-keepers,

their assistants, or hawkers. There was not a single blacksmith or compositor on board, neither was there a printing plant. Mr. Gandhi publicly denied, through the interviewer of *The Natal Advertiser*, that he ever instigated anybody on board to bring an action against the Government for illegal quarantine;[1] and this denial has not been contradicted. Moreover, it is easy to see how the rumour arose. As would appear from what has preceded, the owners and the agents threatened some action against the Government for what they considered to be illegal quarantine and detention. Rumour ascribed such an action to the passengers, and *The Natal Mercury* erroneously inferred that Mr. Gandhi must have had a hand in the matter. He has, moreover, denied through the same channel that there is any organisation led by him to swamp the Colony with Indians.[2] And your Memorialists may here assure Her Majesty's Government that no such organisation exists under Gandhi, who was a passenger on the "Courland". That he was a passenger by that ship was mere accident. Your Memorialists telegraphed for him on November 13th,[3] and he booked his passage in the "Courland", she being the earliest convenient boat for Natal after that date. These denials are easy of verification at any time, and if they are true, then your Memorialists submit, it behoves the Government of Natal to allay popular feeling by publishing their opinion.

Some of the incidents of the quarantine are worthy of record, as showing that the quarantine was more a political move against the Indians, than a safeguard against the introduction of the bubonic plague into the Colony. It was first imposed to complete 23 days from the day of departure of the ships from Bombay. The Committee's

1 *Vide* p. 162, *supra*.

2 ibid; *vide* also pp. 221, 305, 358-62, and 364-5 *infra*.

3 Gandhiji received this telegram on November 13, 1896; *vide* p. 128, *supra*.

report above alluded to (App. Q) advised 12 days' quarantine after disinfection and fumigation. No steps were taken to disinfect and fumigate till after the expiry of 11 days after the arrival of the ships at Durban. In the meanwhile, the signals of distress for water and food were tardily attended to, doctors were said to have been privately interviewed by the Hon. the Attorney-General, and asked to give their opinion regarding the period of quarantine (App. P); passengers' clothing and beds were burnt, and, though they were to remain on board for 12 days after such destruction, the Government made no provision for the supply of bedding and clothing, inspite of the signals from the vessels. And but for the charity of a few well-disposed Indians in Durban,[1] the passengers would have been obliged to remain, for that period, without proper clothing and any bedding, perhaps with grievous injury to their constitutions. With due deference to the authorities, your Memorialists cannot help observing further, that so much was the disregard shown by them for the welfare of the Indian community, that even the mails on board the ships were not taken away and delivered before ten days had elapsed after their arrival causing serious inconvenience to Indian merchants. To further emphasize the above contention, your Memorialists would draw your attention to the fact that, even after the pratique was given and the "Courland" was moored into the channel, she was not allowed a berth at the wharf for some days, while the steamers, that arrived thereafter, were provided with berths before she was, as will appear from the following:

> The Captain of the "Courland" calls our attention to the fact that, although his vessel has been inside the Port since last Wednesday, he has been unable to secure a berth at the main wharf. Several vessels have arrived within the past few days, and although the "Courland" might have been expected to have prior claim for a berth, the later arrivals have already secured quay berths, while the "Courland"

[1] *Vide* p. 195, *supra*.

remains in the stream. The "Courland" has about 900 tons of cargo to discharge, and requires about 400 tons of coal. The expense of lighterage to and from the Bluff moorings will amount to a considerable sum.—*The Natal Advertiser*, 19th January, 1897.

Your Memorialists may be permitted to quote from the various newspapers to show how the Demonstration was viewed before and after it took place :

Natal's present action in connection with the immigration of Indians is not well-balanced. To the outside world, the fierceness of the agitation, which has suddenly risen at Durban against the landing of more Indians, is in strange contrast to the fact that Natal has all along been, practically, the one gateway through which these Asiatics have found admittance to South Africa. It was hardly to be expected that the country, which had for so long openly encouraged Indian immigration, should quite suddenly turn round upon two ship-loads of them awaiting disembarkation at Durban, and ostentatiously threaten to resort to violence to prevent their landing. By going to such an extreme, the people of Durban, who have identified themselves with the agitation, can hardly be congratulated on their attitude. It is altogether unfortunate that they have gone so far, because, whatever happens now, they are doomed to disappointment and humiliation....After all said and done, a large number of the people of Natal know that they have derived very considerable benefit from the presence of the Indian in their Colony. It is surely a fair inference that these continued arrivals of fresh batches of Indians in Natal are the result of the knowledge having reached them that their predecessors had fared well in their new conditions. Now, it may be asked, how could the earlier contingents of Indians have prospered in Natal had they not been, one way or another, assisted by the European settlers ? And it may be taken for granted that the Europeans could not thus have assisted the Indian immigrants to prosper had they not, at the same time, been thereby helping on their own prosperity as well. The Indians who come to Natal are of two classes, the indentured and the free. Both these classes have found, despite their superficial antagonism, that the Europeans have been ready to employ or "support" them, and have thereby not merely made them satisfied with their own amelioration but have thus encouraged further arrivals. The indentured Indians are, for the most part, utilised by the European agriculturists; the free Indians who desire to engage in trade are supported by the European merchants; while the remainder are, in one way or another, encouraged to come, and to remain, in the

country for domestic purposes. That the indentured Indian has proved to be an absolute necessity in Natal, owing to the indifferent and unreliable labour procurable from the kaffir population, is evidenced by the fact that they are employed in thousands as farm and domestic servants, and that further indentures for hundreds more go to India by almost every mail. "But," it is often said, "the objection is not to the indentured, but to the free Indian." In the first place, however, the indentured coolie is destined, ultimately, to become free. So that, while importing them under indentures, the people of Natal are practically thus ensuring large and continuous contributions to the free Indian population. An attempt has been made, it is true, to compel the return of indentured Indians at the conclusion of their contract, but the law could not be made compulsory. Then, as regards the free Indians, these are engaged either in commerce, agriculture, or domestic service. In none of these directions could they possibly succeed except through the direct help of the Europeans. As regards the Indian trader, he receives his initial "support" from the European merchants. It would probably be difficult to find a single commercial house of any standing in Durban which has not scores of Indians as "clients". The coolie "farmer" is encouraged and maintained, by the Europeans in two ways; he has to rent or buy his land from the original European possessor, and his products are, for the most part, consumed in the European households. If it were not for the coolie market-gardeners and hawkers, the people of Durban (and other parts of the Colony) would find themselves very badly off for many kitchen requisites. Then, with respect to the Indian domestic servants, the only remark necessary is that, as a body, they have proved themselves to be much superior, in capacity, reliability and obedience, to the average kaffir. It would probably be found, on close examination, that several of those who have associated themselves with the recent agitation have Indians in their employ. Indians are also largely engaged in the Government service, while the Government also provides them with the means of education, and consequently of advancement. Seeing, then, that the Europeans are primarily responsible for the benefits that have accrued to those Indians already in the Colony, it has the appearance of unreasonableness on their part to suddenly oppose the landing of any more. But, in addition to all this, there is the Imperial aspect of the question. This is the most formidable of all. So long as Natal remains a part of the British Empire (a circumstance which depends on Britain and not Natal), so long will the Imperial Government insist that the laws of the Colony shall not be repugnant to the general welfare and

development of the Empire. India is part of the Empire; and the Imperial and Indian Governments are imbued with a determination to prove to the civilised world that the retention of India by Britain is for the benefit of the Indians. This, however, would not be the case if something could not be done to relieve the congested districts of India of their surplus population. This can only be effected by encouraging the Indians in those parts to emigrate. Britain has not the power nor the wish to force the surplus Indian population upon any country. But she certainly has the power to decline to allow any portion of the British Empire, where her Indian subjects are sought for by one section of the community, to shut its gates against them at the behest of another section of the same community. And so far as Natal is concerned, judging from the number of requisitions that go to India for further supplies of Indian labour, were anything to take place by which that supply was stopped, Natal and not India would be the greater sufferer.—*Star*, Friday, 8th January, 1897.

We regard the proceedings as, to say the least, premature, and we cannot regard without apprehension, a demonstration which is practically in the direction of mob law. . . . The Colony must guard against putting itself in the wrong, which would be the effect of any outburst of violence, before it was definitely ascertained whether a constitutional agitation would be successful. . . . Meanwhile, we would once more urge upon the leaders of the extreme party to weigh well the responsibilities they are incurring.—*The Natal Advertiser*, 5th January, 1897.

If the leaders of the extreme party decide that it is necessary, they must incur a heavy responsibility, and be prepared to face the consequences. . . . It might emphasise the fact that Natal wants no more Asiatics, but would it not also emphasise the allegations of injustice and unfair treatment which have been brought against the Colonists?—*The Natal Advertiser*, 7th January, 1897.

Of the two thousand people said to have been at the meeting, we imagine but a small proportion will be ready to do what is illegal. There exists no lawful power by which the quarantined Asiatics can be sent back, or by which others can be prevented coming in, and, further, the British House of Commons would never consent to any law preventing Indian subjects from migrating to any part of the Empire. Although annoying in the present instance, yet it should not be forgotten that recognition of individual liberty is the sheet-anchor of the Constitution. Great Britain herself is suffering acutely from black and yellow competition. . . . Many, who are loudest in

their condemnation of the Asiatic in the abstract, do not hesitate to support him concretely by buying from him goods they find he sells cheaper.—*The Times of Natal*, 8th January, 1897.

The leaders of the Demonstration movement assumed grave responsibilities at Thursday's meeting, and some of the speeches were not marked for mildness. Dr. MacKenzie, for instance, did not exercise as much discretion as he might have done, and his dark hints regarding the treatment of Mr. Gandhi were extremely incautious. The mobilisation of people to the Point of the disembarkation of the Indians from the "Courland" and "Naderi," is to be a "peaceable" one, it is said; but who is to guarantee that no personal harm will befall any of the Indian passengers, after the assembly was worked up? And who will be primarily and morally responsible if harm does attend the Demonstration? One leader, or a hundred leaders, may urge a few thousands of citizens to be calm; but what control would such leaders have over such an assembly, which naturally bears a bitter grudge against all free Indians, intensified against the new arrivals and Mr. Gandhi, by reason of the recent agitations?—*The Natal Advertiser*, 9th January, 1897.

The present agitation is, primarily, the outcome of the attempt to import Indian artisans by the Immigration Board, which the press instantly and emphatically denounced. . . . But because the press will not go to extremes and support prematurely drastic measures, it is denounced in unmeasured terms. . . . We must not blame the Imperial Government for hesitating to take drastic steps for the exclusion of Asiatics, when we recollect that, up to this moment, the Government machinery of Natal itself was utilised for the very purpose of importing these Asiatics to suit our own purposes. It may be argued that there is not the same objection to the indentured Indians as to the free Indians, which is quite true; but may it not appear to the Imperial Government, and to the Indian Government too, that distinction is made purely in our own interests, and that it is scarcely fair to encourage immigration of one class of Indians for our own benefit, and to clamour for the rigid exclusion of another class, because we imagine they are likely to do us harm?—*The Natal Advertiser*, 11th January, 1897.

They have a rough and ready diplomacy at Durban. There is none of your concerts of the powers, or diplomatic exchanges. The whole town goes down to the jetty, and announces that if certain of their fellow-subjects exercise their undoubted right to land, their blood will be upon their own head. Individually, they would be

glad to buy cheaply from the frugal Indian; but collectively, they distrust themselves and each other. It is a pity that the agitators should have based their objections upon fallacious premises. The real grievance is an economical one based upon experience of which the theory is not generally understood. The soundest and most peaceable way is to form trade protection societies which shall insist upon a minimum price and a maximum wage. . . . Durban is not east of Suez, being situate on nearly the same great circle; but the Durbanites seem to enter into the category of those among whom 'there aint no ten commandments,' to say nothing of the Imperial statute book. It is not a method of civilized men to bring about reform by shooting one another in the streets. If the principles of economy are too hard for them, let them at least sail inside the law, which will be found a better friend than rioting, and the 'thousand armed men', that one imaginative agitator conjured up. Britain cannot afford to insult the legions of her Indian Empire; nor does she wish to do so, for protection is classed in the Islands in the deadly sense, and free trade comes in somewhere between the first four and the last six clauses of the decalogue. If Durban wishes autonomy, Durban will get it for the asking; but its people cannot expect the British Isles to countenance illegal action, or encourage unconstitutional agitation. —*Digger's News*, 12th January, 1897.

The Natalians appear now to have lost their heads; and in their hysterical indignation have become desperate and contemplate violence against the much-maligned 'coolie'. A demonstration has been organised, headed by a local butcher, and the whole town and Colony has taken up the hue and cry. There is something pathetically quixotic about this demonstrative body, each member of which binds himself to proceed to the quay and resist 'by force, if necessary' the landing of the Asiatics. It is furthermore said that those participating in the Demonstration intend to prove that they are in earnest, and that the men of Durban can organise an orderly yet emphatic demonstration in contradistinction to a riotous mob. The opinion is that the Indians would not land, and if the ships do bring them inside, those on board will at once recognise the futility of attempting to land when they see the crowd in opposition. Be that as it may, the present Demonstration resembles more the Knight of La Mancha's mad tilt against the windmill, than the action of sober-minded Englishmen. The Colonists have become crazy and fanatical, and have lost much of the sympathy which they otherwise would have enlisted. There is nothing more ludicrous, we are told, than a British community in a state of excitement. In the words of Thomas Hood : 'Evil is wrought

by want of thought, as well as want of art,' and the Europeans are undoubtedly prejudicing their cause in the action they are now taking.—*The Johannesburg Times.*

The opposition to the immigration of Indians to Natal is by no means the least momentous incident of Mr. Chamberlain's term of office. The interests affected are so large, and so intimately concern Great Britain, that it is slight exaggeration to say the settlement of the difficulty is the most serious problem submitted to him during that time. The discarded immigrants are the representatives of a great population which has been taught to believe itself protected and nurtured by those who now refuse to grant a footing in a new land. India has been encouraged to look upon itself as a favoured daughter of the Empire, and, under the quixotic rule of various Viceroys, it has been taught to assert its independence in a way that is unhealthy for the uneducated Oriental to contemplate. Theory has broken down in practice. The frugal Indian, imported because of his power to assist the Colonist in working his country at a profit, has established himself as a dangerous trade competitor, has himself developed into a settler and a producer, and threatens to oust his old employer from the market. The problem which presents itself to Mr. Chamberlain is, therefore, by no means easy of solution. Morally, Mr. Chamberlain is bound to uphold the righteousness of the Indians' position; economically, he is forced to admit the justice of the Colonists' claim; politically, it passes the wit of man to decide which side to favour.—*Star*, Johannesburg, January, 1897.

The mass meeting held in the Town Hall on Thursday afternoon, on account of the wet weather, instead of on the Market Square as previously arranged, lacked nothing either in number or enthusiasm. That hall, crowded with the manhood of Durban, the grimy son of toil sitting cheek by jowl with the professional man, showed unanimity among all classes of the population, and gave evidence of a stern determination to stop the organised attempt to flood the Colony with Asiatics. Mr. Gandhi has made a big mistake in imagining that the Europeans of Natal would sit still while he organised an independent emigration agency in India to land his countrymen here at the rate of from 1,000 to 2,000 per month. He judged the European character badly in thinking that he would be allowed to work such a scheme with impunity. Despite all his cleverness, he has made a sorry mistake, and a mistake that will most certainly defeat absolutely the object he had in view. As the dominant and ruling race in this British Colony, he has forgotten that we have a trust reposed in us. Our

forefathers won this country at the point of the sword, and left us the country as our birthright and heritage. That birthright we have to hand down to our sons and daughters, as it was handed down to us. It was left to us an entailed estate for all of British and European blood, and we should be false to the trust we have received were we to allow this fair land to be overrun with a people alien to us in blood, in habits, in traditions, in religion, and in everything that goes to make up national life. We have also a very serious responsibility as guardians of the welfare of the aboriginal inhabitants of the land. In Natal there are half-a-million of natives who look to the white man as the child looks to his father, and as a matter of fair dealing, to put the matter in its mildest aspect, we must safeguard, as far as possible, the rights of the natives of Natal, as the legitimate labourers of the Colony. Then, there are the Indians already in the Colony. We brought most of them here, and it is only our duty to see that they are not subjected to the disabilities and disadvantages that would follow on such an influx of the countrymen as would make it a difficult matter for them to make an honest living. We have at least 50,000 Indians in the Colony at present—a population in excess of the European—amply sufficient. As regards the attitude of the Government in the matter, that was very ably explained by Mr. Wylie on Thursday afternoon. . . .

. . . Dr. MacKenzie said he was thoroughly satisfied with the action of the Government, and all the members of the Committee were with him in that feeling of satisfaction. All, therefore, being in accord on the subject, it is sincerely hoped that the Demonstration will be a peaceable demonstration in every sense of the word. It should be used as an object-lesson to the Indians, that the long-open doors of the Colony are about to be shut, and that they must not, as hitherto, try to induce their friends and relations in India to follow them. A demonstration in itself, if it is kept well in hand, and if the programme outlined by the leaders is faithfully carried out, can do no harm. Only, as we have already pointed out, crowds are not easily controlled, and therefore, special responsibility attaches to the leaders. The leaders, however, seem confident of their ability to exercise this control, and are determined to carry out their programme of proceeding to the Point, and if all goes well, the Demonstration will be so much more moral backing to the Government. It will also be an illustration of the true earnestness of the movement. Mr. Wylie very truly said that, while they must show the force they possessed, it was the men who could use that force without abusing it who gained their ends. We cannot insist too strongly on the necessity for the most

perfect preservation of law and order. Ultimate success depends upon this, perhaps, as much as upon anything else, and we rely upon the good sense and sound judgment of those in charge of the Demonstration to see that the zeal of their followers does not overstep their discretion. —*The Natal Mercury*, 9th January, 1897.

After all that has been said and done in Durban during the past fortnight, with a view to intimidate the Indian passengers on board the steamships "Courland" and "Naderi" from landing, it must be candidly admitted that the Demonstration has come to an ignominious termination. Although the ringleaders of the Demonstration naturally seek to cover their defeat by claiming a victory, the whole affair has proved an utter fiasco, so far as its original and avowed intention is concerned. This was nothing, more nor less, than to compel the Indians on board the two steamers to return forthwith to India without touching Natal soil. That has not been accomplished.... By no sudden and ill-considered action on their part, can the people of Natal interfere with the incursion, allowed by their existing laws, of immigrants from any country. It was, of course, possible that the recent Demonstration, got up against the latest arrivals from India, might have succeeded in scaring them away. But, after all, even supposing that had been the issue, it certainly would have brought the demonstrators little to be really proud of. It would have been a sorry victory had a small contingent of defenceless coolies been frightened away from the shores of Natal from fear of bodily maltreatment at the hands of the European settlers, assisted by a gang of whooping kafirs only too glad of an opportunity to demonstrate their dislike to their coolie competitors. It is far better that the Demonstration has "eventuated" as it has done. The only regrettable feature about Wednesday's proceedings at Durban is the assault committed on Mr. Gandhi. It is true that the folks of Natal are highly incensed at his having published a pamphlet, charging them with badly treating their indentured Indians. We have not seen the publication in question, and if its charges are directed against Natalians as a community, then they are unfounded. There can be no doubt, however, as a case recently tried in the Natal courts plainly showed, that cases of extreme ill-usage have occurred on at least one of the estates, and Mr. Gandhi, as an educated Indian, cannot be altogether blamed if he strongly resents such treatment of his fellow-countrymen, and seeks to effect a remedy. As regards the assault on Mr. Gandhi, it does not, however, appear to have been perpetrated by any of the more respectable dortion of the crowd, although the

youths who sought to do Mr. Gandhi bodily harm were, no doubt, incited to do so by the unguarded utterances of some of the responsible organisers of the demonstration. It was owing only to the alertness of the police that Mr. Gandhi escaped without serious injury, and perhaps with his life.... But South Africa is evidently passing through a stage in its transition which evolves abortive demonstrations as one of its characteristics. The whole country is still in its boyhood, and there is nothing a boy loves more than to refer his disputes to the gory arbitrament of physical force. Looked at in that way, this week's doings at Durban may be excused with an indulgent smile. But regarded from any other standpoint, it is open to severe condemnation, as tending to retard rather than to advance the ultimate solution of a most complex political and economic question, not merely of importance to Natal, but to England, India, and the whole of South Africa.—*Star*, Johannesburg, January, 1897.

Of what avail, then, was it to forbid a landing to the few hundred immigrants on the "Naderi" and "Courland" while the system of trading with Indians is in full swing ? Years ago, before the present Act of the Volksraad was in force in the Free State, Arab stores were opened in Harrismith, and at once began to undersell the old-established houses by about 30 per cent. The Boers, who of all men protest against colour, flocked to the Arabs, and, while condemning the principle, were not above pocketing the profit. It is much the same in Natal today. The mention of blacksmiths, carpenters, clerks, printers, etc., as being among the passengers, aroused the "working classes," and their cause was doubtlessly espoused by those who, in other ranks of life, were feeling the pressure of the ubiquitous Hindoo, and yet, probably, none of these men were mindful of the fact that they themselves are helping to make Natal a desirable objective point for the surplus labour of India. The vegetables, fruits, and fish that adorn a Natal dinner table are grown, caught, and hawked by coolies; the table linen is washed by another coolie, and, in all probability, the guests would be served by coolie waiters, and partake of fare prepared by a coolie cook. Let the Natalians be consistent, and begin the work of ostracising the Indian by dealing with their own poorer classes, in preference to coolies, and leave the question of restrictive legislation to their elected representatives. While Natal remains such a desirable abiding place for the Asiatic, and Natalians continue to profit largely by the cheap labour the dark man brings, the work of minimising arrivals will certainly be difficult, if not hopelessly impossible, without legislation on the subject. —*D. F. News*, January, 1897.

It is fortunate for all concerned in Durban's demonstration against the landing of Indian immigrants that, beyond the effervescent effects of stump oratory of Dr. MacKenzie, and the inciting diatribes of Mr. Sparks and his neophyte Dan Taylor, nothing very serious has happened to the fair Colony of Natal, its distracted inhabitants, or the much maligned "coolies". The pseudo-patriotic organisers of an ill-advised demonstration have attempted to play the Roman fool, and have died on their own swords. Luckily, we say, nothing more serious happened; but the folly of those who took upon themselves the hazardous task of calling the people together and suggesting such unconstitutional conduct was never more apparent during the whole time the hubbub lasted, than in the concluding acts of the Durban mob. Unsuccessful in their attempts to prevent the landing of the coolie immigrants, and doubtless humiliated and smarting under the fact that their Demonstration had been somewhat of a fiasco, the mob, in an ill-temper, turned its attention to Mr. Gandhi, an Indian barrister, whose worst crime, in the eyes of Natalians, appears to be that he has interested himself in the cause of his fellows, and gratuitously assumed the position of interpreter for the Indians in South Africa. Up to this point the Demonstration had proved quite a harmless one, and might have been likened unto a Christmas pantomime; but, when Mr. Gandhi unostentatiously landed, and was proceeding quietly into town, with Mr. Laughton, an English solicitor, matters took a barbarous turn. We do not presume to take up the cause of the Indian in South Africa, neither do we champion Mr. Gandhi's arguments, but the treatment to which that gentleman was subjected is scandalous and calls for censure. Mr. Gandhi was surrounded by a jeering crowd of hydrocephalous entities, and was made the vile object of kicks and cuffs, while mud and stale fish were thrown at him. One cad in the crowd struck him with a riding whip, while another plucked off his hat. As a result of the attack, we are told that 'he was very much bespattered, and blood was flowing from his neck'. Subsequently, under police protection, Mr. Gandhi was conveyed to the store of a Parsee,[1] the building was guarded by the borough police, and, ultimately, the Indian barrister made his escape incognito. No doubt, all this proved grand fun for the canaille, but apart from the morals of law and order, the British love of fair play must be rapidly on the wane in Durban, when Englishmen resort to such ungentlemanly behaviour and brutality towards an unconvicted free man. Downing Street and the Indian Government cannot be

[1] Rustomji, an Indian Parsi, better known as Parsi Rustomji.

apathetic towards the violent attitude which has been adopted by Natalians towards a lawful subject of Britain's "magnificent dependency",—India—a land which is spoken of as the brightest territorial jewel in the English diadem. — *The Johannesburg Times*, January, 1897.

The illegal methods of intimidation, which the people of Durban have employed to raise their grievance into the magnitude they wish it to occupy, have been justified by the grave importance of the interests at stake and by the results so far achieved....Quietly, and without boast or bluster, they have all along had the movement under their aegis and control, although to some of the purblind people in the Colony it has seemed as if the administrative power had been transferred to the leaders of the Demonstration movement. — *The Natal Mercury*, January 14th, 1897.

It would be a mere affectation to pretend that the Demonstration was a success from the party's point of view. All the oratory at the Point yesterday, which was couched in a very different key from that at the mass meetings, cannot obscure the fact that the primary object of the Demonstration, the prevention of the landing of the passengers on board the two steamers, has not been achieved. What has been gained could, as we have always maintained, have been equally attained by other means....What, we may ask, has been gained by yesterday's proceedings ? If it be said that they have shown the imperative need of doing something to stop the Asiatic invasion, we reply that was shown with equal force by the mass meetings, and was, in fact, common cause. If it be urged that the Demonstration showed that the people were in earnest, we fear we cannot assent to the proposition, because the assembly dispersed on receiving from the representative of Government exactly the same assurances as they received a week ago. The Government then promised to bring in legislation to deal with the question. Mr. Escombe yesterday repeated the assurance; but he gave no further pledges; he did not agree to a special session of Parliament, nor did he promise to send the Indians back. The Committee, in fact, now declare their readiness to leave the whole matter in the hands of Government, without the slightest reason for doing so more than existed a week ago, and while the proclaimed object of the Demonstration is unfulfilled. We are not surprised that a good many persons regard the affair as a mere fiasco—a *brutum fulmen*—and express the belief that the Durban people will not be very anxious to figure in another such demonstration....The practical abdication by Government of its functions during the week, in favour of the Committee, was so extraordinary

as to irresistibly produce a suspicion that it was all pre-arranged. The self-elected Committee virtually constituted themselves a sort of provisional Government as regards this particular question. They regulated the movements of the steamers, and assumed the right to grant or refuse "permission" to persons to land on our shores who had as much title to be here as they had; they even proposed a Danegeld policy, to carry out which the public funds would be requisitioned. All this time Government looked on, made no preparations for the protection of the passengers, and contented themselves with a perfunctory protest. We are not now arguing whether the Committee were justified in their course. They thought they were, but that does not annul the fact that they virtually and quite illegally superseded the Government. A long series of negotiations ensues, during which the public is kept in a constant ferment of excitement, until at last the bugle sounds, and all Durban rushes to the Point, prepared to do or die. Then, quite casually of course, at the psychological moment, the Attorney-General "bobs up serenely", tells the people to be good boys, and he will do all that is necessary—"fix your eyes upon your Escombe and he will pull you through"—the Committee declare, they had the least idea of doing anything in opposition to the Government, and are quite willing to leave it in the hands of the Government—cheers for the Queen—blessings all round—everybody goes home happy—demonstration melts away as quickly as it gathered—while the now forgotten Indians quietly come ashore, just as if there had never been any demonstration at all. Who can resist the suspicion that it was a pre-arranged and foregone conclusion ? It has been asserted by the Captain of the "Courland" that the Committee led him to believe that they were acting on behalf of the Government; and it has also been stated that Government knew and approved of what the Committee were doing. These statements, if correct, imply a serious imputation of the "bona-fides" either of the Committee or the Government. If the Committee had the sanction of the Government, the latter were playing a double game by countenancing in private proceedings which were disapproved in their published reply. If not, the charge of duplicity must be shifted to the shoulders of the Committee. We should be loth to believe these statements, because it is not by such methods that a great cause is conducted to a successful issue.—*The Natal Advertiser*, 14th January, 1897.

The letter we published yesterday, from the Demonstration Committee to the Captain of the "Courland", does not sustain

the charge previously made, that the Committee falsely represented themselves as acting on behalf of the Government, although, from its tone, and the reference to the Attorney-General, the Captain may be excused for coming to that conclusion. But it does afford ground for the alternative suspicion that, despite their published warnings against illegal action, the Government were practically in collusion with the Committee. According to this document, the Attorney-General, who had previously admitted that there was no legal means of keeping the Indians out of the Colony, went so far as to pledge the public funds to a buying-off policy, at the dictum of a body with no legal status, and pursuing illegal methods of intimidation, as is clearly shown by the terms of the letter. When that failed, came the Demonstration, with the opportune appearance of the Attorney-General on the scene. To use the old tag, comment is unnecessary. —*The Natal Advertiser*, 20th January, 1897.

After all the speechifying, and the parading, and the bugle-blowing of the past week, the citizens of Durban have fallen short of making history—unless, indeed, the discharge of a rotten potato at the eye of the unspeakable Gandhi may be considered as an historical fact. The heroics of the mob are apt to sink from the sublime to the ridiculous, and indifferent arguments are often accompanied by equally indifferent eggs....For a week the Natal Ministry permitted the situation to develop, without pretence at the feeblest intervention, their policy suggesting an unofficial sanction of the whole business. Then, when the "Naderi" and "Courland" are within a few hundred yards of the wharves, Mr. Escombe appears upon the scene, actively intervenes, and the people disperse, to vent their baffled feelings, a few hours later, by upsetting Gandhi's ricksha, blacking his eye, and savagely assaulting the house in which he is lodged. —*Cape Argus*, January, 1897.

A little explanation is still wanting in regard of the presence of a force of several hundred kafirs in the Demonstration. Did it mean that the cause of the white man and the cause of the native are one and the same ? Or, what else did it symbolise ? There is one thing in regard of which public opinion is unanimous. It may be unjust in the conclusion it has drawn. But the fact remains that people will not believe that the whole business was not a plot between the Government and the leaders of the late remarkable movement, but one in which the self-appointed Committee failed to score. It was delightfully dramatic. The Ministry handed over their powers to a Committee which claimed to represent the people. Whatever you do,

they said, act constitutionally. The word was passed round, and the magic of constitutional action took effect, though not a soul to this moment knows what it means. The Ministry acted constitutionally, and promised not to interpose if the peace were broken. They would only go to the Governor, and ask to be relieved of office. The Committee acted quite constitutionally in organising a force, including natives, to oppose by force the landing of British subjects in a British Colony. The concluding act of this pretty drama was played at the Point, when the Committee handed back their powers to Mr. Escombe, reinstated the Government, and everyone went home satisfied. The Committee claimed a moral victory, though they had been beaten from pillar to post; the Ministry pirouetted on their "single plank"; and the Indians, who were never to be allowed to land, landed promiscuously as soon as the crowd had dispersed. —*The Natal Witness*, January, 1897.

Nothing of what Mr. Wylie stated to the Durban meeting, as having been said by Mr. Escombe to the deputation, has even been traversed, much less denied. It stands on record, then, that the Ministry, on the slightest appearance of a riot at Durban, had resolved that mob law should be supreme. 'We shall say to the Governor that he will have to take the reins of Government into his own hands.' Everyone is aware that we are rapidly nearing another general election, but no one could possibly have thought that any Ministry would have played so low, to gain votes, as to give the population of a large town freedom to break the law.—*The Natal Witness*, January, 1897.

They cannot go on importing indentured Indians by the hundreds and at the same time shut out free Indians; otherwise they will meet with disappointment.—*Pretoria Press*, January, 1897.

According to Mr. Wylie's report of the interview between the promoters of the anti-Indian agitation and Mr. Escombe, the attitude of the Government in the matter appears to be open to grave animadversion. Plainly, though in covert wording, according to Mr. Wylie's version, the Committee proposed to do what was illegal, and added : "We presume that you, as representing the Government and good authority of this Colony, would have to bring force to oppose us ?" To this Mr. Escombe is represented to have replied : "We will do nothing of the sort. We are with you, and we are going to do nothing of the sort to oppose you. But if you put us in such a position we may have to go to the Governor of the Colony and ask him to take over the reins of this Colony, as we can no longer conduct

the Government—you will have to find some other persons." According to this account, the Government have made a confession of most deplorable weakness. A Minister, on being informed that a body of people propose doing what is unlawful, should, without a moment's hesitation, inform his interviewers that the course of law will in no degree be interfered with, and if the occasion calls for it, that Minister should say out bluntly that the law, at all costs, will be supported by all available resources. Mr. Escombe, on the other hand, said in effect that the Government would do nothing to oppose the unlawful action proposed. This playing into the hands of men who speak publicly of the Indian Ocean as being the proper place of the Indian immigrants, shows regrettable weakness in a member of the Government in office. —*The Times of Natal*, January, 1897.

The above extracts speak for themselves. Almost every newspaper has condemned the Demonstration, and they further go to show that the Government countenanced the action of the Committee. Your Memorialists may here remark that the leaders of the Demonstration have since denied that there was any "collusion" between the Government and themselves. Nevertheless, the fact remains, and it is patent from the above extracts, that had the Government contradicted the statement made by Mr. Wylie as to the conversation between Mr. Escombe and himself, and publicly declared that the passengers were not only entitled to the protection of the Government, but that it would be given them, the Demonstration would never have taken place. As the Government organ itself has said, the Government "had the movement under their aegis and control" while it was developing. Indeed, it seems from that article that they were rather anxious that such a Demonstration should take place, if only the crowd could be managed properly and kept under sway, so that it may serve as an object lesson to the passengers. To say the least, such a method of intimidation being sanctioned or countenanced by a Government in a British Colony is, with the greatest deference to the Natal Government, a new experience, opposed to the most cherished principles of the British Constitution. The after effects of the Demonstration,

in your Memorialists' humble opinion, cannot but be disastrous to the welfare as well of the whole Colony, as of the Indian community, who claim to be as much a part of the British Empire as the European British subjects. It has already intensified the estranged feelings between the two communities. It has lowered the status of the Indians in the eyes of the European Colonists. It has given rise to many drastic proposals restricting the freedom of the Indians. All this, your Memorialists humbly submit and hope, cannot and will not be viewed with unconcern by Her Majesty's Government. If those who are responsible for the up-keep of the harmony of the British Empire and justice between the various sections of the subjects assist in creating or encouraging division and ill-feeling between them, the task of persuading those sections to keep in harmony, in face of conflict of divers interests, must be ever so much more difficult. And if Her Majesty's Government grant the principle that the Indian British subjects are to have freedom of intercourse with all Her Majesty's Dominions, then, your Memorialists venture to trust that there will be some pronouncement from the Imperial Government that would preclude the possibility of such deplorable partiality on the part of Colonial Governments.

The following remarks by *The Natal Advertiser* of January 16 about the behaviour of the Indian community during the crisis are worthy of record :

> The behaviour of the Indian population of Durban during the excitement of the week was all that could be desired. They must have felt sore at the attitude of the townspeople towards their fellow countrymen. But there was no attempt at retaliation; and by their quiet, peaceable behaviour, and faith in Government, they certainly contributed to the preservation of public order.

Your Memorialists would have refrained from any further reference to the incident in connection with Mr. Gandhi, but for the fact that, since he acts as an interpreter between the two communities in Natal, any misapprehension

with regard to his position may seriously damage the Indian cause. Sufficient has been said herein to justify what he did in India in the name of the Indians in South Africa. But, for further explanations as to the matter, your Memorialists hereby refer Her Majesty's Government to Appendix Y, wherein are collected certain extracts from newspapers. Your Memorialists have been praying Her Majesty's Government, in the memorials that have preceded this, to define the status of Indian British subjects outside India, and humbly submitting that, in virtue of the gracious Proclamation of 1858, that status should be equal to that of Her Majesty's all other subjects.[1] Indeed, it has already been defined by His Excellency the Marquis of Ripon, in a despatch with reference to the Colonies, to the effect that "it is the desire of Her Majesty's Government that the Queen's Indian subjects should be treated upon a footing of equality with all Her Majesty's other subjects",[2] but so many changes have since taken place that a formal pronouncement has evidently become necessary, especially in view of the fact that laws have since been passed in the Colony which are in conflict with that policy.

Another incident of the Demonstration, your Memorialists submit, is worth noting, viz., the massing of natives at the Point. It has already been alluded to above; but the following letter from Mr. G. A. de Labistour, a leading burgess of the town to the Town Council, and the remarks thereon of *The Natal Mercury*, the Government organ, would give a better idea of the gravity of the situation :

'Gentlemen,—I was one of many burgesses who viewed with concern the rowdy behaviour of the natives who took part in the Demonstration yesterday. Along the Point Road several parties of natives,

[1] For memorials to the Imperial Government, *vide* Vol. I, pp. 116-28, 187-208, 215-27, 254-6, 303-7 and 324-45; for reference to the status of Indians as British subjects *vis-a-vis* the Proclamation of 1858, *vide* Vol. I, pp. 122, 201, 336, 339 and 341; also, p. 336, *infra*.

[2] *Vide* Vol. I, p. 201.

brandishing sticks and shouting at the top of their voices, had taken possession of the pavement, and at the Point about 500 or 600 boys, mostly togt boys, all armed with sticks and singing and shouting, congregated with, apparently, the avowed object of committing a breach of the peace. Particulars of this deplorable matter are easily available.

The evil effect on the natives in general of yesterday's proceedings will be accentuated, and race hatred fostered, unless steps are at once taken to show that your honourable body, as custodians of law and order in this town, will not countenance conduct of this sort. It can easily be understood that the massing or congregating together of a body of natives, such as that at yesterday's Demonstration, is a source of great danger to the town, as, for instance, was the case on the occasion of the massing of natives on the racecourse in their feud with the police some time ago.

I submit that the native element in yesterday's Demonstration has cast on the fair name of Durban a blot which it is your duty to at once wipe out, and I venture to say that your taking up the matter with a vigorous hand will be viewed with satisfaction by the majority of your burgesses. I respectfully suggest that, as a first step, the Corporation should cause an enquiry to be made as to who is responsible for the massing of these natives, their behaviour and control on the occasion alluded to; and, further, that to prevent a repetition of such conduct, special by-laws be passed, in case those at present in force are found insufficient to cope with the evil.

This is rendered the more necessary as no reference was made by the Honourable the Attorney-General to the rowdy and dangerous element created by the facts referred to. I, however, feel confident that his regrettable omission to do so only arose from the fact that he did not witness what I and others saw. The togt boys are easily traceable, I should think; others were servants of members of the Committee, one of them especially having taken advantage of the occurrence to advertise his firm by sending down his store boys, each armed with two or three sticks, with his firm's name appearing in glaring letters on their backs.'

Mr. Labistour's letter to the Corporation, drawing attention to the danger incurred in the massing of a body of natives armed with sticks for the purposes of the Demonstration on Wednesday, and calling on the Town Council to enquire into the matter, should not be overlooked. We believe the Demonstration Committee were not in any way responsible for the native impi being at the Point; but the

natives did not go down there of their own initiative, and it would be as well if the matter were fully investigated and the onus thrown upon the individuals who took upon themselves so grave a responsibility. As Mr. Labistour quite properly remarks, the native element at the Demonstration was a blot on the fair name of Durban, and might have been productive of the most dire results. There is no love lost between the Indian and the native as it is, and to bring together a band of natives and incite them against the Indians may even yet be productive of serious trouble. The native has no reasoning powers in a matter of the kind. His passions are like tinder and his instincts are warlike. The slightest provocation, and he is all aflame and ready for anything where there is shedding of blood. An even more disgraceful incident was inciting the natives to attack Indians after Mr. Gandhi landed and was lodged in Field Street. Had the police not been on the alert and succeeded in dispersing the natives, Wednesday night would have ended in one of the most disgraceful riots any British Colony ever witnessed, in so far that a savage warlike race had been set upon a more civilised, peaceful people by men of a higher race than either. The disgrace would have clung to the Colony for many a long day. Instead of arresting the four kafirs who flourished their sticks and whooped in Field Street on Wednesday evening, the white men who brought them there and encouraged them ought to have been brought up before the Magistrate and fined as heavily in proportion as the kafirs were fined. It was rather hard on the kafirs to make them scapegoats for really obeying the orders of men who ought to have known better. To call in the natives in a matter of the kind is to exhibit to them a weakness which, above all things, should be avoided, and we trust there will never be a repetition of so dangerous and disgraceful a practice as exciting the racial prejudices of so inflammatory an element as the natives.—*The Natal Mercury*, 16th January, 1897.

It would perhaps assist Her Majesty's Government in coming to a conclusion, if certain facts were placed before them pertaining to the matter. The demand for restriction of free immigration of Indians has been based on the supposition that, of late, there has been a very large influx of Indians into the Colony, irrespective of any organisation. Your Memorialists, however, have no hesitation in saying that the alarm is not justified by facts. It is not correct to

say that more Indians have come to the Colony during the last year than during the last but one. Formerly, they came by the German boats as well as by those of the B.I.S.N. Co. Since the latter boats transhipped their passengers in other boats at Delagoa Bay, the Indians came in small batches and were, naturally, not much noticed. Two Indian merchants bought steamers last year and established a fairly regular and direct service between Bombay and Natal. Most of the Indians wishing to come to South Africa availed themselves of this service, and thus, instead of being divided into small batches, they came all at once, and thus drew attention. Moreover, no one seemed to take any notice of those that returned to India. From the following list it will be clear that there has not been a material addition to the free Indian population; certainly not in any way large enough to justify the alarm. It is also worthy of note that the European immigration is and has almost always been in excess of the free Indian immigration.

A return signed by Mr. G. O. Rutherford, Acting Protector of Immigrants, shows that from August last to January seven steamship firms deported 1,298 free Indians from the Colony; the same companies introduced 1,964 Indians in the same time, most of the immigrants coming from Bombay.—*The Natal Mercury*, 17th March, 1897.

There is no foundation for the statement that there is any competition between European and free Indian artisans. Your Memorialists can speak from their own knowledge that there are very few Indian mechanics and artisans in the Colony, such as blacksmiths, carpenters, bricklayers, etc., and those that are, are inferior to the European. (The Indian artisans of high order do not come to Natal). There are a few tailors and goldsmiths in the Colony, but they minister to the wants only of the Indian community. As to the competition between the Indian and European traders, it has been well said, in some of the extracts quoted above, that, if there is any competition, it is rendered possible by the large support given by the European merchants.

But the very fact that the European merchants are willing, nay anxious, to support Indian traders, shows that they do not compete with them to any appreciable extent. They, really speaking, act as middlemen, and begin where the Europeans leave. The Commissioners, who were specially appointed to report upon Indian matters nearly 10 years ago, thus report as to the Indian traders :

> We are convinced that much of the irritation, existing in the minds of European Colonists against the whole Indian population of the Colony, has been excited by the undoubted ability of these Arab traders to compete with European merchants, and specially with those who have chiefly directed their attention to the supply of articles, notably rice, largely consumed by the Indian immigrant population. . . .
>
> We are of opinion that these Arab traders have been drawn to Natal by the presence therein of those Indians who have been introduced under the Immigration Laws. Rice is the chief food of the 30,000 Indian immigrants now in the Colony, and these astute traders have so successfully devoted their tact and energy to the supply of that article that the price to all consumers fell from 21s. per bag in former years to 14s. in 1884. . . . It is said that kafirs can buy from Arabs at from 25 to 30 per cent. lower rates than those obtaining six or seven years ago. . . .
>
> It does not lie within the scope of our Commission to discuss at length the restrictive measures which some desire to impose upon Asiatics or "Arab" traders. *We are content to place on record our strong opinion, based on much observation, that the presence of these traders has been beneficial to the whole Colony, and that it would be unwise, if not unjust, to legislate to their prejudice.* (The italics are your Memorialists'.) . . . Nearly all of them are Mahommedans, either total abstainers from alcoholic liquors or drinking them in moderation. They are thrifty by nature and submissive to the law.

Mr. Saunders, one of the Commissioners, says in his additional report:

> So far as concerns free Indian traders, their competition and the consequent lowering of the price of articles of consumption by which the public benefits (and yet, strange to say, of which it complains), it is clearly shown that these Indian shops have been and are most exclusively supported by the larger firms of white merchants who

thus, practically employ these men to dispose of their goods.

Stop Indian immigration if you will, if there are not enough unoccupied houses now, empty more by clearing out Arabs or Indians, who add to the productive and consuming power of a less than half-peopled country, (but let us trace results) in this one branch of the enquiry taking it as an example of others, trace out how untenanted houses depreciate the value of property and securities, how after this must result stagnation in the building trade, and those other trades and stores for supplies dependent on it. Follow out how this leads to a reduced demand for white mechanics, and with the reduction in spending power of so many, how fall of revenue is to be expected next, need of retrenchment, or taxation, or both. Let this result and others far too numerous to be calculated on in detail be faced, and if blind race sentimentalism or jealousy is to prevail, so be it.

At a meeting lately held in Stanger, one of the speakers (Mr. Clayton) said:

Not only the coolie labourer, he said, but the Arab storekeeper had been of benefit to the Colony. He knew it was an unpopular view to take, but he had looked at the question from every point of view. What did they find? The *erven* round the Market Square were bringing in a good percentage through the presence of Arab storekeepers. The owners of land had been benefited by the coolies taking up land that would never be taken up by anybody else. At the auction sale, the other day, *erven* abutting on the Market Square fetched a price that would have been out of the question years ago. The Indians had created a trade—a trade that would never have been brought here by the old system of storekeeping. He was quite willing to admit that here and there an European storekeeper had been ruined by the Indians, but their presence here was better than the old days when a few storekeepers had the monopoly. Wherever they met with an Arab, they always found him amenable to law. They had heard it said that the Colonists should not give away their birthright—that the Indians should not be allowed to enter upon the possession of their lands. He was pretty confident that his children, rather than have to work any land he might be able to leave them, would prefer to let it to Indians at reasonable rents. He did not think that that meeting was justified in coming to a wholesale condemnatory resolution of the Asiatics.

A regular correspondent of *The Natal Mercury* thus writes:

We brought the coolies here as a necessity, and, undoubtedly they

have been a great help towards the progress of Natal. . . .

Twenty-five years ago, in the towns and townships, fruit, vegetables, and fish could hardly be bought. A cauliflower sold for half-a-crown. Why did not farmers go in for market gardening? There may have been some laziness, but, on the other hand, to grow wholesale was useless. I have known the case of cart-loads of fruit, etc., sent a long way, but in good condition to the City, unsaleable. The party who would give half-a-crown for a stray cauliflower would naturally demur to give a shilling for one, when he saw a wagon-load of them. Here we needed an industrious class of hawkers who could live cheaply and find pleasure and profit in supplying these wants, and we got it in the time-expired indentured coolie. And for waiters and cooks, public or private, the coolie has supplied the want, for in these matters the mass of our natives are awkward, and when not, as soon as carefully taught, are off to their kraals.

The free coolie labourer, if an artisan, will work longer hours and take a lower wage cheerfully than the European mechanic, and the coolie trader will sell a cotton blanket three-half pence cheaper than the white storekeeper. That is all.

Surely the great economic cry of supply and demand, your patriotic league of British subjects, your glorious cry of Free Trade, which John Bull pays through the nose for to show his faith in, all forbid this outcry.

Australia has forbidden coloured immigration. The strikes and bank smashes do not make that a grand example. Coolies wear lighter clothes and slippers than Europeans; anyway, that is an advance on our location native, and, many years ago, boots were rarely seen on white men or women on farms, or children even among the uppish classes of the city, except when they went to the park or meeting. Their feet seemed none the worse, though bad for shoemakers. Coolies don't eat meat or drink beer, etc. Again, I daresay, bad for butchers and licensed victuallers. Depend upon it, all these things will find their level, but to force by Act of Parliament (beyond what decency and sobriety call for the common weal) what people are to eat and drink and wear is tyranny, not beneficent legislation. Crowds of white immigrants are kept out. Are they? With our native population, unless you can shunt the whole lot, white men will not work for a mere living wage in this Colony. They would rather be loafers.

We cannot get out of it. Ours is a black Colony, and much as I like our natives in their proper place, and the coolies [*sic*], too, who is

more willing to keep it (*sic*) in his, the white man's role is and must be to be boss. Stop at that, I do not want to talk of how poor farmers cannot afford to pay their fashionable friends, the town artisans, their price, and are very glad to put up with even indifferent work by an off-coloured mechanic; but I would appeal to the skilled workmen to be content to regulate their own tariffs, and not be afraid of indifferent opposition—a good man is always worth his full value—but avoid, because they are numerically strong in the towns, a class agitation, a race quarrel. It is the same with the good tradesmen, and though the owners of country stores may have to cut their prices finer, they won't be ruined. Four hundred gallons of treacle for cash per week isn't bad. Talk of the federation of the Empire, and we are tabooing our fellow-subjects of India, whose warriors have fought shoulder to shoulder with ours, whose armies have upheld the honour of the flag on many a gory field! There are plenty of European stores in India, and well patronised and flourishing, too.

It is, in your Memorialists' humble opinion, because the Indians sell the wares for the European merchants, that there are so many large European houses which afford employment to hundreds of European clerks and assistants. Your Memorialists submit that an industrious and frugal class of men, as the Indians are admitted to be even by their most virulent opponents, cannot but on the whole add to the general prosperity, wealth, and consequently material happiness of the place they go to. The *Star* sums up the situation with regard to the Uitlanders in the Transvaal—the class of people who so inconsistently object to the presence of the Indians in South Africa, in the following words :

South Africa is a new country. It should therefore be open to all. Poverty should be no bar to admission. The vast majority of those now in affluence, came here originally, with only the proverbial half-crown in their pockets. By all means let us keep the population reputable; *do so, however, by the just and stringent enforcement of local laws against vagrancy and roguery, and not by the arbitrary exclusion of new arrivals before it is possible to know whether under the better conditions of a new country they might not take their place amongst useful citizens of the land.*

These remarks with the necessary changes are word for word applicable to the Indian community; and if the

position there taken up is correct and acceptable with reference to the Uitlanders, much more, your Memorialists venture to submit, should it be in the present case.

The Natal Government, in virtue of their promise to the Demonstration Committee,[1] propose to introduce the following three Bills into the Honourable Legislative Assembly, which sits on the 18th instant :

Quarantine[2]: (1) Whenever any place has been proclaimed, under Law 4, 1882, as an infected place, the Governor-in-Council may, by a further Proclamation, order that no person shall be landed from any ship coming from such place. (2) Any such order shall also extend to a ship having on board passengers who have come from a proclaimed place, notwithstanding that they may have embarked at some other place, or that the ship has not touched at the proclaimed place. (3) Any such order as aforesaid shall be in force until revoked by a further Proclamation. (4) Any person who shall land in contravention of this Act, shall, if practicable, be at once returned to the ship in which he came to Natal, and the master of such ship shall be bound to receive such person on board, and to convey him from the Colony at the expense of the owners of the ship. (5) The master and owners of any vessel from which any person shall be landed in contravention of this Act shall be liable to a penalty of not less than one hundred pounds sterling for each person so landed, and the vessel may be made executable by a decree of the Supreme Court in satisfaction of any penalty, and the vessel may be refused a clearance outwards until such penalty has been paid and until provision has been made by the master for the conveyance out of the Colony of each person who may have been so landed.

Licenses.[3] (1) Any Town Council or Town Board may, from time to time, appoint an Officer to issue the Annual Licenses (not being licenses under Act 38, 1896) required in the Borough or Township by wholesale or retail dealers. (2) Any person appointed to issue licenses for wholesale or retail dealers under law 38, 1884, or any like Stamp Act, or under this Act, shall be deemed to be a "Licensing Officer" within the meaning of this Act. (3) A Licensing Officer shall have discretion to issue or refuse a wholesale or retail license not

1 *Vide* p. 326, *infra*.
2 *Vide* p. 288, and pp. 338-9, *infra*.
3 *Vide* pp. 343-5, *infra* for the law in regard to Licences as finally enacted.

being a license under Act 38, 1896; and a decision come to by a Licensing Officer as to the issue or refusal of a license shall not be liable to review, reversal, or alteration by any court of law, or otherwise than is in the next section provided. (4) There shall be a right of appeal[1] from the decision of a Licensing Officer to the Colonial Secretary as regards licenses issuable under Law 38, 1884, or other similar Act, and in other cases to the Town Council or Town Board, according to the circumstances, and the Colonial Secretary, or, as the case may be, the Town Council or the Town Board, may direct that the license, the subject of appeal, shall be issued or cancelled. (5) No license shall be issued to any person who, when thereto required, fails to show to the satisfaction of the Licensing Officer that he is able to fulfil the conditions of the Insolvency Law 47, 1887, section 180, sub-section (a), as regards the keeping of such books of account in the English language as are usual and proper in the business to be carried on. (6) No license shall be issued in respect of premises which are unfit for the intended trade, or unprovided with proper and sufficient sanitary arrangements, or not affording sufficient and suitable accommodation for salesmen, clerks, and servants, apart from the stores or rooms in which goods and wares may be kept.[2] (7) Any person who shall carry on any wholesale or retail trade or business, or who shall allow licensed premises to be in a condition which could disentitle him to a license, shall be deemed to have contravened this Act, and shall be liable to a penalty of £20 for each offence, to be recovered by any Licensing Officer in the Court of the Magistrate.

To Restrict Immigration.[3] (1) This Act may be known as "The Immigration Restriction Act, 1897." (2) This Act shall not apply to: (a) Any person possessed of a certificate in the form set out in the Schedule A[4] to this Act annexed, and signed by the Colonial Secretary or the Agent-General of Natal or any officer appointed by the Natal Government for the purposes of this Act, whether in or out of Natal. (b) Any person of a class for whose immigration into

[1] The final provision in the Act for appeal against the decision of the Licensing Officer differed slightly from that in the Bill given here; *vide* clause 6, p. 344, *infra*.

[2] The corresponding clause 8 in the Act as passed on May 9, 1897, had the following words added : 'in cases where premises are used for both purposes.' *Vide* p. 344, *infra*.

[3] The Immigration Restriction Act, as it received the Governor's assent, is given at pp. 339-43, *infra*.

[4] *Vide* p. 343, *infra*.

Natal provision is made by law or by a scheme approved by Government. (c) Any person specially exempted from the operation of this Act by a writing under the hand of the Colonial Secretary. (d) Her Majesty's land and sea forces. (e) The officers and crew of any ship of war of any Government. (f) Any person duly accredited to Natal by or under the authority of the Imperial or any other Government. (3) The immigration into Natal, by land or sea, of any person of any of the classes defined in the following sub-sections, hereinafter called "prohibited immigrant," is prohibited, namely: (a) Any person who, when asked to do so by an officer appointed under this Act, shall fail to himself write out and sign, in the characters of any language of Europe, an application to the Colonial Secretary in the form set out in Schedule B[1] of this Act. (b) Any person who is unable to satisfy an officer appointed under this Act that he is possessed of available means of subsistence of his own to the value of not less than twenty-five pounds.[2] (c) Any person who has been assisted in any way by any other person in respect of his passage to Natal.[3] (d) Any idiot or insane person. (e) Any person suffering from a loathsome or a dangerous, contagious disease. (f) Any person who, not having received a free pardon, has been convicted[4] of a felony or other infamous crime or misdemeanour involving moral turpitude, and not being a mere political offence. (g) Any prostitute, and any person living on the prostitution of others. (4) Any prohibited immigrant making his way into or being found within Natal, in disregard of the provisions of this Act, and shall be liable, in addition to any other penalty, to be removed from the Colony, and upon conviction may be sentenced to imprisonment not exceeding six months, without hard labour. Provided such imprisonment shall cease for the purpose of deportation of the offender, or if he shall find two approved sureties, each in the sum of £50, that he will leave the Colony within one month. (5) Any person appearing to be a prohibited immigrant within the meaning of Section 3 of this Act, and not coming within the meaning of any of the sub-sections (d), (e), (f), (g) of said Section 3 shall be allowed to enter Natal upon the following conditions: (a) He shall, before landing, deposit with an officer appointed under this Act the sum of £100. (b) If such person shall, within one week after entering Natal, obtain from the Colonial Secretary or a magistrate

1 *Vide* p. 244 and p. 343, *infra*.

2 This was later amended to refer to "paupers'; *vide* p. 340, *infra*.

3 This was subsequently deleted; ibid.

4 The Act qualified this by adding: 'within two years'; ibid.

a certificate that he does not come within the prohibition of this Act, the deposit of £100 shall be returned. (c) If such person shall fail to obtain such certificate within one week, the deposit of £100 shall be forfeited, and he may be treated as a prohibited immigrant. Provided that, in the case of any person entering Natal under this section, no liability shall attach to the vessel or to the owners of the vessel in which he may have arrived at any port of the colony. (6) Any person who shall satisfy an officer appointed under this Act that he has been formerly domiciled in Natal, and that he does not come within the meanings of any of the sub-sections (d), (e), (f), (g) of Section 3 of this Act, shall not be regarded as a prohibited immigrant. (7) The wife and any minor child of a person not being a prohibited immigrant shall be free from any prohibition imposed by this Act. (8) The master and owners of any vessel from which any prohibited immigrant may be landed shall be jointly and severally liable to a penalty of not less than One Hundred Pounds Sterling, and such penalty may be increased up to £5,000 by sums of £100 each for every five immigrants after the first five, and the vessel may be made executable by a decree of the Supreme Court in satisfaction of any such penalty, and the vessel may be refused a clearance outwards until such penalty has been paid, and until provision has been made by the master, to the satisfaction of an officer appointed under this Act, for the conveyance out of the Colony of each prohibited immigrant who may have been so landed. (9) A prohibited immigrant shall not be entitled to a license to carry on any trade or calling, nor shall he be entitled to acquire land in leasehold, freehold, or otherwise, or to exercise the franchise, or to be enrolled as a burgess of any borough or on the roll of any township, and any license or franchise right which may have been acquired in contravention of this Act shall be void. (10) Any officer thereto authorised by Government may make a contract with the master, owner, or agent of any vessel for the conveyance of any prohibited immigrant found in Natal to a port in or near to such immigrant's country of birth, and any such immigrant with his personal effects may be placed by a police officer on board such vessel, and shall in such case, if destitute, be supplied with a sufficient sum of money to enable him to live for one month according to his circumstances of life after disembarking from such vessel. (11) Any person who shall in any way assist any prohibited immigrant to contravene the provisions of this Act shall be deemed to have contravened this Act.[1] (12) Any person who shall assist the entry into Natal of

[1] In Sections 11, 12 and 13 of the Act as passed, the reference to the offences was modified by adding the word: 'wilfully'; *vide* p. 342, *infra*.

any prohibited immigrant of the class (g) in section 3 of this Act, shall be deemed to have contravened this Act, and shall, upon conviction, be liable to be imprisoned with hard labour for any period not exceeding twelve months. (13) Any person, who shall be instrumental in bringing into Natal an idiot or insane person without a written or printed authority, signed by the Colonial Secretary, shall be deemed to have contravened this Act, and, in addition to any other penalty, shall be liable for the cost of the maintenance of such idiot or insane person whilst in the Colony. (14) Any police officer or other officer appointed therefore under this Act may, subject to the provisions of section 5, prevent any prohibited immigrant from entering Natal by land or sea. (15) The Governor may, from time to time, appoint and, at pleasure, remove officers, for the purpose of carrying out the provisions of this Act, and may define the duties of such officers, and such officers shall carry out the instructions from time to time given to them by the Ministerial head of their department. (16) The Governor-in-General may, from time to time, make, amend and repeal rules and regulations for the better carrying out of the provisions of this Act. (17) The penalty for any contravention of this Act, or of any rule or regulation passed thereunder, where no higher penalty is expressly imposed, shall not exceed a fine of £50, or imprisonment, with or without hard labour, until payment of such fine, or in addition to such fine, but not exceeding, in any case, three months. (18) All contraventions of this Act or of rules or regulations thereunder, and suits for penalties or other moneys not exceeding £100, shall be cognizable by Magistrates.

Schedule A[1] is a blank certificate that the person whose name is to be filled in "is a fit and proper person to be received as an immigrant in Natal". Schedule B[2] is a form of application to be filled in by a person claiming to be exempt from the operation of this Act.

They will, perhaps, soon be before Her Majesty's Government for consideration. In that case, your Memorialists may have to approach you regarding the measures.[3] For the present, they will content themselves with saying that, while none of the Bills openly show their object, they are

[1] *Vide* p. 343, *infra*.

[2] ibid.

[3] When the three Bills were passed later, a petition was, in fact, presented to Mr. Chamberlain, dated July 2, 1897; *vide* p. 323 and pp. 324-38, *infra*.

all aimed at the Indian community. If, therefore, Her Majesty's Government accept the principle that restrictions may be put upon the Indian community in the British Colonies, it will be infinitely better that it were done so openly. That seems to be the feeling in the Colony also, as will appear from the extracts quoted below:

Referring to the Immigration Restriction Bill, *The Natal Advertiser* of 12th March, 1897, says:

> It is not an honest and straightforward measure for the reason that it attempts to disguise its real object, and, because it can only be acceptable if it is enforced in a partial manner. If its provisions are strictly enforced against European immigrants, it would be an injury to the Colony. If, on the other hand, it is enforced only against Asiatics it would be equally unjust and unfair in another direction. . . . If it is an anti-Asiatic Immigration Bill the Colony wants, let us have an anti-Asiatic Immigration Bill. . . . So far we can approve of the position taken up by the Demonstration Committee; their tactics, however, were not particularly effective. . . . It was also another mistake to drift as Dr. MacKenzie did into tall talk about fighting for his rights, and "cocking the rifle at the British Government". We can assure the worthy doctor that expressions like these only disgust right-thinking Colonists.

The Natal Witness, of the 27th February, thus remarks:

> There is nothing more repugnant to an Englishman's feelings than to have recourse to strategems and chicanery to gain an object, and this Bill to restrict immigration is a flagrant attempt to compass an end by subterfuges. The Colony loses its self-respect, and the respect of others in resorting to such means.

Referring to the exemption of the indentured Indians from the operation of the Bill, *The Times of Natal* of 23rd February, writes:

> The provision indicates the inconsistency of the Colony generally. All know that the indentured Indians settle in the Colony, and yet all, or, at any rate, a big majority of the electorate, are resolved to have indentured Indians. This inconsistency is remarkable, and shows unmistakably how divided is public opinion on the whole subject. Indians are objected to on the score of their ignorance; also because, they compete as clerks and artisans, and also because of their commercial rivalry. It may be remembered that, during the

recent commotion at Durban, a section of the demonstration was about to proceed to a ship which had just arrived with some Indians from Delagoa Bay, for the purpose of preventing their landing, when some individual called out that the Indians were merchants, and this satisfied the mob. That incident in itself was sufficient to show how sectional is the antagonism to the immigration of the Coolie.

The most fatal objection, however, against those Bills, is that they are intended to check an evil which does not exist. Nor is this all. There will be no finality to the anti-Indian legislation, if Her Majesty's Government do not intervene on behalf of the Indian British subjects residing in the Colony. The Corporations have applied to the Government for powers to enable them to remove Indians to locations, to refuse to issue licenses (this is practically covered by one of the Bills quoted above), and to refuse to sell or transfer immovable property to the Indians. It is believed that the Government have not returned an encouraging reply to the first and the last proposals; still, the proposals are there; and there is no guarantee that, because the Government feel disinclined to entertain the proposals at present, for reasons best known to them, they will remain in the same mood for ever.

In conclusion, your Memorialists pray that, in view of the events narrated and the restrictive legislation forecasted above, a timely pronouncement of the policy with reference to the status of the Indian British subjects, or a confirmation of the despatch referred to above, be made so as to remove and prevent restrictions on Her Majesty's Indian subjects residing in the Colony of Natal, or grant such relief as may meet the ends of justice.

And for this act of justice and mercy, your Memorialists shall, as in duty bound, ever pray.

ABDUL CARIM HAJEE ADAM
(DADA ABDULLA & CO.)
AND THIRTY-ONE OTHERS

APPENDIXES

(*APPENDIX A*)

Copy

[*January 25th, 1897*]

By this public instrument of protest, be it hereby made known and made manifest unto all whom it may concern that on this the twenty-fifth day of January, in the year of our Lord, one thousand, eight hundred and ninety-seven (1897), before me, John Moore Cooke, of Durban, in the Colony of Natal, Notary Public, and in the presence of the subscribed witnesses personally came and appeared, Alexander Milne, Master Mariner and Commander of the steamship "Courland", of the burthen of 760 tons or thereabouts, and of 120 nominal horse-power, belonging to this Port, and now lying in the inner harbour of this said Port of Natal, who did solemnly declare and state as follows, that is to say :

That the said steamer, laden with a cargo of general merchandise and carrying 255 passengers, left the Port of Bombay on the 30th day of November last, and dropped anchor in the outer anchorage of this port, at 6.34 p.m., on the 18th day of December, 1896.

Before leaving Bombay the crew and passengers were inspected and counted, and a bill of health and port clearance was granted.

Throughout the voyage, the passengers and crew were absolutely free from sickness of any description whatsoever, and every day during the said voyage, the cleaning, ventilating, and disinfecting of the passengers' quarters was strictly attended to, and upon arrival here the said appearer handed to the Health Officer of this port the usual documents as to the health of all on board, and in reply to the said appearer's enquiries, the Health Officer informed him that the said vessel would be placed in quarantine until 23 days had elapsed since leaving Bombay.

On the 19th December, the said appearer signalled the shore : "I am getting short of water and must endeavour to get some." Cleaning and disinfecting of ship strictly attended to.

On the 22nd December, the appearer again signalled the shore as follows : "Our days have expired, are we out of quarantine ? Please consult Quarantine Officer, report we all well; thanks";—to which the following reply was received : "Length of quarantine not decided yet." During each of these four days of quarantine, the said appearer's

vessel was cleaned and disinfected, and quarantine regulations were strictly adhered to.

On the 23rd December, the following was signalled by the said appearer : "Distressed for want of water, want grass for horses. Perfect health on board, inform owners, use every exertion relieve us from quarantine"; to which a reply was received as follows : "From owners : condense water, hope to hear relief from quarantine this afternoon; send hay off tomorrow morning; have you a mail ? "

On the 24th December, the Health Officer boarded, and ordered that all old mats, dirty rags, and old clothes be burned; that the holds were to be fumigated and whitewashed, and all clothes to be hung up and disinfected; that food stuff was to be kept from coming in contact with passengers, and all the passengers' wearing apparel was to be dipped in carbolic acid, that the passengers themselves were to be washed in a weak solution of carbolic acid, and every effort was to be used to keep the vessel clear of sickness. He also said, the quarantine would be 11 days from this date.

On the 25th December, a large quantity of passengers' sleeping mats were burned; all passengers' quarters, water closets, and urinals, whitewashed and disinfected.

On the 26th December, the passengers were washed and their clothing apparel dipped in diluted carbolic acid. The following was signalled to the shore : "Distressed for want of water, send at once, also fresh provisions and stuff, according to order of Quarantine Officer. Is there anything to prevent landing horses, Quarantine Officer having visited us. Perfect health on board, and Quarantine Officer's orders being executed. Relieve us quickly, passengers much distressed at delay. Thanks."

On the 27th December, the appearer hoisted the signal " Are you sending order of yesterday?", in reply to which the following signal was displayed at the signal station : "Have arranged to supply water 9 a.m. tomorrow." "Distressed for want of water" was then signalled by the said appearer and kept flying for 2 hours. As usual, cleaning and disinfecting of the ship throughout was strictly attended to.

On the 28th December, the following signal was made : "Send everything wanted in order of Saturday, also letters, likewise information respecting landing horses." At 11 a.m. the steam tender "Natal" came alongside, and put on board carbolic acid for disinfecting and sulphur for fumigating purposes. The police officer also boarded to superintend the use of the above-mentioned disinfectants. A quantity of fresh water

was also put aboard. The ship was thoroughly fumigated with burning sulphur, the upper and lower decks thoroughly washed with carbolic acid, and the same disinfectant was used throughout the ship. All bedding, mats, bags, baskets, and all other material likely to propagate disease was burned in ship's furnaces.

On the 29th December, the upper and lower decks were washed with carbolic acid, and the same disinfectant used freely throughout the ship. The following signal was hoisted by the said appearer : "Disinfection and fumigation carried out to satisfaction of officer on board. Please inform Quarantine Officer at once." At 10 a.m., four hours later, the said appearer signalled the shore : "We are ready, waiting for Quarantine Officer." At 2.30 p.m. the steam tender "Lion" came alongside and put the Quarantine Officer aboard, who, after inspecting the ship throughout, expressed himself as being perfectly satisfied with the manner in which his orders had been carried out, but said that the vessel should have to remain in quarantine for a further 12 days from this date. At 3 p.m. the following signal was hoisted : "By order of the Government, all passengers' bed-clothes having been burnt, request Government to renew same at once, as passengers' lives are in danger without them. Want written instructions how long quarantine is to last, as verbal time changes [with] every visit of Quarantine Officer. No case of sickness occurring in the interval. Give notice to Government our ship has been disinfected every day since leaving Bombay. Want 100 fowls and 12 sheep." Cleaning and disinfecting of the ship strictly attended to.

On the 30th December, the said appearer signalled as follows: "Reply to our signal of yesterday. Passengers wish to disembark, will pay their own expenses in quarantine."

On the 31st December, the said appearer again signalled the shore as follows : "Do you intend this year to answer my signals of Tuesday and yesterday ?" Cleansing and disinfecting of ship strictly attended to as usual.

On the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th and 8th January, 1897, the ship was regularly every day ventilated, cleaned and disinfected throughout, and all quarantine regulations strictly observed.

On the 9th January, the cleansing and disinfecting was repeated. At 5.30 p.m. the said appearer received a letter per the "Natal" from the owners through Mr. Gandhi, advising not to remove the steamer without express instructions from them, as it was dangerous to the lives of the Indian passengers. Not even after receiving pratique was the steamer to be moved.

On the 10th January, the following signal was hoisted: "Quarantine having again expired, wish to disembark at once four European passengers. Also send water and fresh provisions. Want instructions as to landing horses. Send fodder. Report we all well." These signals were all understood at the Station on shore and the Answering Pennant hoisted in reply to each. Cleansing and disinfecting repeated as usual.

On the 11th January, the Health Officer visited the ship and granted pratique. At 1.30 the Tender "Natal" put on board 4,800 gallons of water. Four European passengers landed per "Natal" after hoisting signal, "My European passengers refused a passage on shore by the 'Natal'. Please give instructions." At 4 p.m., signals were hoisted on shore, but could not be made out owing to haziness. Cleansing and disinfecting as well as ventilating of holds strictly attended to. A letter was received, signed by Harry Sparks, "Chairman of Committee", and is hereto annexed and marked "A",[1] and copies of which are annexed to the duplicate original and protocol hereof. Certain enclosures were said to be made therewith, but were never received by the said appearer.

On the 12th January, cleansing and ventilating etc., having been repeated at 4.30 p.m. "Captain will be off tomorrow", was signalled from the shore.

On the 13th January, at 7.10 a.m., the Government tug "Churchill" came alongside with Pilot Gordon, who ordered the said appearer to heave short the cable, and to be ready to go inside at 10.30 a.m., this being a distinct order from Government, through the Port Captain. The said appearer having received instructions from the owners of the said "Courland" not to move without orders from them, requested Pilot Gordon to notify the owners that he was entering the harbour on Government orders. At 11.50, the Pilot came off in the tug "Richard King", the vessel was got under way and taken across the bar. At 12.45, the Port anchor was let go and the vessel moored head and stern to buoys. At 1.15, Mr. H. Escombe, the Attorney-General for the Colony, came alongside with the Port Captain, and requested the said appearer to inform the passengers that they were under the protection of the Natal Government, and that they were as safe here as they would be in their own Indian villages. At 3 p.m., orders were received from the Port Captain to inform passengers they were free to land.

And the said Alexander Milne did further declare that, since the arrival of his said vessel in the inner harbour of this Port, on the 13th January, till the afternoon of the 23rd instant, his said vessel has been

[1] *Vide* appendix Aa at p. 251, *infra*.

obliged to continue moored in the stream, instead of obtaining a berth at the wharf, while other vessels have arrived, and accommodation has been found for them at the said wharf. And that the Port Captain has refused to explain to the said appearer the reason for such treatment.

On the 16th January, the said Alexander Milne appeared before the Notary, Frederic Augustus Laughton, at Durban, aforesaid, and caused his protest to be duly noted.

And the appearer protests, and I, the said Notary do also protest against the aforesaid acts of the Government, or Government officials, and all loss or damage occasioned thereby.

Thus done and passed in due form of law at Durban, Natal, the day, month and year first before written in the presence of the witnesses hereunto subscribing.

As Witnesses :
(Sd.) GODFREY MILLER
(Sd.) GEORGE GOODRICKE

(Sd.) ALEXANDER MILNE,
Quod Attestor
(Sd.) JOHN M. COOKE,
Notary Public

(*APPENDIX Aa*)

Copy

January 8th, 1897

CAPTAIN MILNE,
S. S. "Courland"

DEAR SIR,

Neither you nor your passengers may be aware that the feeling in the Colony against the inflow of Asiatics has been running very high lately, and has culminated on the arrival of your ship and the "Naderi".

Following on that, public meetings have been held in Durban, at which the enclosed resolutions were carried with acclamation. So largely attended were these meetings that all desiring it could not get into the Town Hall.

Almost every man in Durban has signed signifying his intention to prevent those on board your ship, and the "Naderi", landing in the Colony, and we are most desirous there should, if possible, be avoided a conflict between the men of Durban and your passengers, which will most assuredly happen if they attempt to land.

As your passengers are ignorant of the state of feeling, and have come here in ignorance, and we have it from the Attorney-General that if your people are willing to return to India, the Colony will pay the expense.

We shall therefore be glad to receive an answer from you before the ship comes alongside the wharf, whether the passengers elect to return to India at the Colony's expense, or to endeavour to force a landing against the thousands of men who are ready, and waiting to oppose their landing.

Yours truly,
(Sd.) HARRY SPARKS
Chairman of Committee

(*APPENDIX B*)

Copy

[*January 22, 1897*]

By this public instrument of protest, be it hereby made known and made manifest unto all whom it may concern that, on this the Twenty-Second day of January, in the year of Our Lord, One Thousand Eight Hundred and Ninety-Seven, before me, John Moore Cooke, of Durban in the Colony of Natal, Notary Public, and in the presence of the subscribed witnesses personally came and appeared Francis John Raffin, Master Mariner and Commander of the Steam Ship "Naderi", of the burthen of 1168.92 tons or thereabouts, and of 160 nominal horsepower, belonging to the Port of Bombay and now lying in the Inner Harbour of this Port, who did solemnly declare and state as follows, that is to say :

That the said steamer, laden with a cargo of general merchandise and carrying 350 passengers, left the Port of Bombay on the 30th [28th?] day of November last and dropped anchor in the outer anchorage of this Port at noon on the 18th day of December, 1896.

Before leaving Bombay, the crew and passengers were inspected and counted, and a bill of health and port clearance was granted.

Throughout the voyage, the passengers and crew were free from sickness save the saloon cook who suffered from swollen feet but who, on being examined on the 19th December by the doctor, was reported to be suffering from a complicated disease of the liver and kidneys of which he died on the 20th December, and upon arrival here, the said appearer handed to the Health Officer of this Port the usual documents as to the

health of all on board, and in reply to the said appearer's enquiries, the Health Officer informed him that the said vessel would be placed in quarantine for five days in order to make 23 days from the time of leaving the Port of Bombay.

On the following day the decks, passengers, and crew's quarters were washed and disinfected.

On the 20th December, the decks, passengers, and crew's quarters and the ship were washed down and thoroughly disinfected fore and aft.

On the 21st December, the ship was washed down, and all the water closets, latrines, etc., were thoroughly disinfected and quarantine rules strictly observed.

On the 22nd December, the decks were washed and the water closets, latrines, etc., were disinfected.

The five days imposed upon the ship by the Health Officer having expired, during which time the ship was in quarantine, and the rules of quarantine having been strictly observed, the said appearer signalled the shore station as follows : "What was decided about quarantine, answer will oblige", to which the following reply was received, "length quarantine not yet decided."

On the 23rd December, the decks were washed down and all water closets and latrines disinfected, and the said appearer again signalled the shore as follows, "What about quarantine ?" and received the following reply, "Quarantine Officer has no instructions yet."

On the 24th December, the decks were washed and the water closets disinfected, and on that day, the Health Officer and Police Superintendent came on board, whereupon the crew and passengers were mustered and inspected, the ship thoroughly disinfected, in which carbolic acid and carbolic powder were liberally employed. The passengers' soiled clothing and all mats, baskets and useless articles were destroyed in the donkey furnace by the Health Officer's instructions and a further term of twelve days' quarantine imposed. The quarantine regulations have been strictly observed up to this date.

On the 25th December, the decks and between decks were washed down with a solution of carbolic and water, in the proportion of 1 to 20, as recommended by the Health Officer.

On the 26th December, the decks were washed and the water closets disinfected, and quarantine rules strictly observed.

On the 27th December, main deck and between decks were washed and disinfected with a solution of carbolic and water in the proportion of 1 to 20.

On the 28th December, decks and between decks washed with carbolic solution, and the water closets white washed, and up till this date, day by day, quarantine rules were strictly observed. Passengers' beds, bedding, and all soiled clothing destroyed in ship's furnaces, and all the passengers' clothing hung on lines on main and between decks, and nine sulphur fires placed, all hatches closed and fires kept burning till 6.30 p.m. Forecastle, saloon, and second-class cabins, water closets, and alley ways treated in a similar manner. Passengers and crew were washed in the solution, decks washed down, and all passengers' accommodation washed with carbolic and water, and clothing placed in the solution.

On the 29th December, the following was signalled to the shore: "Disinfection completed to the Officer's satisfaction." The Health Officer inspected the ship and declared himself satisfied with the disinfection carried out, and imposed twelve days' quarantine on the ship and crew from this date.

On the 30th December, the following was signalled to the shore: "Ask Government to supply at once 250 blankets for passengers instead of those destroyed by Government; passengers are suffering greatly without them, otherwise disembark them at once. Passengers suffering from cold and wet, fear sickness in consequence."

On the 9th January, the following was signalled to the shore by the said appearer : "Quarantine finished : when shall I obtain pratique ? Please reply."

On the 11th January, the Health Officer boarded and granted pratique, the Quarantine flag was hauled down, and the appearer asked permission to land, and was told that he was not allowed to do so, in the presence of the Police Officer and Pilot. The "Natal" came along with the Pilot who boarded and filled in the papers and port documents, and left orders for the said Francis John Raffin to be ready to enter the harbour, if signalled from the shore.

On the 12th January, there were no signals from the shore.

On the 13th January, the "Churchill" came alongside with Government orders to be ready to go inside at 10-30 a.m. At half-past-twelve, the appearer's vessel dropped anchor and moored alongside the steamship "Courland". At 2.30, orders were received from the Port Captain to inform passengers that they were free to land.

And the appearer protests, and I the said Notary do also protest against the aforesaid acts of the Government or Government Officials, and all loss or damage occasioned thereby.

Thus done and passed in due form of law at Durban, Natal, the day,

month and year first before written in the presence of the witnesses hereunto subscribing.

As Witnesses :
(Sd.) GEORGE GOODRICKE
(Sd.) GODFREY WELLER [MILLER?]

(Sd.) F. J. RAFFIN
Quod Attestor
(Sd.) JOHN M. COOKE
Notary Public

(APPENDIX C)

Copy

DURBAN,
19th December, 1896

TO
THE HEALTH OFFICER
PORT NATAL

S. S. "NADERI"

DEAR SIR,

Have read in this morning's *Mercury* that the above vessel had no sickness on board, and hence we are very much surprised to find her put in quarantine station.

We shall be much pleased to know the cause of her being put in quarantine.

Will esteem it as a great favour for an early reply.

Yours truly,
(Sd.) DADA ABDOOLLA & CO.

(APPENDIX D)

Copy

21st December, 1896

(TELEGRAM)

FROM
LAUGHTON

TO
COLONIAL SECRETARY,
MARITZBURG

The two steamers "Courland" and "Naderi" left Bombay twenty-eighth and thirtieth ultimo,[1] and arrived here Friday last. No sickness

[1] This is evidently a mistake. The "Courland" left on the 30th and the "Naderi" on the 28th November, *vide* pp. 192-3, *supra*. Gandhiji, who travelled by the "Courland", was in Bombay on November 30, 1896 when he sent telegram to the Viceroy. *Vide* p. 137 and p. 258, *supra*.

on board, but each put in quarantine under proclamation signed same day, and printed day after. Am preparing petition to His Excellency on behalf owners and wish to introduce deputation and appear as Counsel to urge exceptional nature case under the laws, and seeking exemption from quarantine. Loss to owners combined, by detention, one hundred and fifty pounds per day, and the "Naderi" [is] under charter party for freight Mauritius to Bombay. Will His Excellency receive deputation Wednesday next?

(Sd.) GOODRICKE LAUGHTON & COOKE

(APPENDIX E)

Copy

(TELEGRAM)

FROM

PRINCIPAL UNDER-SECRETARY

TO

F. A. LAUGHTON, ESQ.,
DURBAN

22nd.—Yours of yesterday.—I am directed to reply that the petition in question will be referred by the Governor for advice of ministers, and there will, therefore, be no need of deputation to and argument before His Excellency.

(APPENDIX F)

Copy

DURBAN,
21st December, 1896

TO

THE HONOURABLE HARRY ESCOMBE

SIR,

I have the honour to enclose a copy of a telegram which I today despatched to you at Pietermaritzburg, not knowing that His Excellency the Governor was at Durban.

The "Courland", s.s., and "Naderi", s.s., left Bombay on the 28th and 30th ultimo,[1] and on their arrival here on Friday last, were placed

[1] Vide footnote at p. 255, *supra*.

in quarantine under a proclamation dated the same day and published in a *Gazette Extraordinary* dated the day after, although there had been no sickness of any sort on board the respective steamers during their respective voyages.

Under the Law 4 of 1882, it is enacted that it shall be lawful for His Excellency, with the advice of his Executive Council, from time to time, to make such orders and rules as may be deemed necessary to meet exceptional cases, and to determine whether, and under what circumstances, any ship or vessel may be partially or wholly, exempted from the operation of the Law, and a petition is being prepared to His Excellency with the object of shewing that such exceptional circumstances exist, and I am desirous of introducing a deputation to His Excellency to present the petition, and of myself appearing before His Excellency as Counsel for the shipowners in support of their petition.

The vessels are being detained at an expense to the respective owners of one hundred and fifty pounds per diem, and they are, therefore, anxious to appear before His Excellency on as early a day as he will be pleased to appoint.

I have the honour to be,
Sir,
Your obedient servant,
(Sd.) F. A. LAUGHTON

(*APPENDIX G*)

Copy

DURBAN,
22nd December, 1896

DEAR MR. LAUGHTON,

The Governor desires me to say that, although in such a matter of administration as quarantine, he will, of course, refer to ministers for advice; he will, if it is still wished, receive a deputation tomorrow in Pietermaritzburg, of gentlemen interested in the subject.

Yours faithfully,
(Sd.) HARRY ESCOMBE

F. A. LAUGHTON, ESQ.

(*APPENDIX H*)

Copy

TO

HIS EXCELLENCY THE HONOURABLE SIR WALTER FRANCIS HELY-HUTCHINSON, KNIGHT COMMANDER OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, GOVERNOR AND COMMANDER-IN-CHIEF IN AND OVER THE COLONY OF NATAL; VICE-ADMIRAL OF THE SAME, AND SUPREME CHIEF OVER THE NATIVE POPULATION:

The humble petition of Dada Abdoolla & Co., of the town of Durban, owners of the "Courland" (s.s.) and representing the owners of "Naderi" (s.s.), for a release of the said steamers from quarantine.

SHEWETH,

That the said "Naderi" and "Courland" respectively left Bombay on the 28th and 30th ultimo, with 356 and 255 passengers respectively, of all classes, on board, and bound respectively for this port, where they arrived respectively, on the 18th instant, at 2 o'clock p.m., and 5.30 o'clock p.m.

That the respective Medical Officers, on board the said respective vessels, reported to the Government Health Officer, on their arrival here, that there was then, and during the respective voyages from Bombay there had been, no sickness whatever on board the said vessels, yet the said Government Health Officer of the Port refused pratique, alleging as a ground therefor a Proclamation of Your Excellency.

That the Proclamation referred is dated the 18th instant, and was published in a *Gazette Extraordinary*, dated the 19th instant.

That your Petitioners submit as follows :

(a) That a Proclamation is a "publication by authority, or notice public," and that the said Proclamation not being published until the 19th instant, could not apply to the said steamers which had actually arrived on the 18th instant.

(b) That by a strict construction of the words contained in section 1 of Law 4, of 1882, the Proclamation could only apply to steamers which, after the notification of the said Proclamation both left and arrived here from the infected Port.

(c) That the crowding of large numbers of passengers on steamers of the description of those aforesaid is conducive to illness and epidemic.

(d) That from the certificates of medical men hereto annexed, it will

appear that the passengers could be landed without any danger to the community.

(e) That in consequence of the acts aforesaid your Petitioners are sustaining damage averaging one hundred and fifty pounds per diem.

Wherefore, your Petitioners pray that the Medical Officer of the Port may be directed to grant pratique to the said vessels, or that such relief may be granted in the premises as is meet. And your Petitioners will ever pray, etc.

(Signed) DADA ABDOOLLA & CO.

(APPENDIX Ha)

Copy

DURBAN,
December 22nd, 1896

MESSRS. GOODRICKE, LAUGHTON & COOKE,

Gentlemen,—Please find replies to your interrogations:

1st. How long after contraction would the symptoms of Bubonic Fever or Plague be manifest?

The period of incubation varies from a few hours to a week (*Crookshank's*, 4th Edition, 1896). I have killed guinea pigs in 24 hours by inoculating with the cultivation.

2nd. Would you expect the disease to exist on a ship 18 days after leaving the infected port, meanwhile no sickness on board?—No.

3rd. What would be the effect of keeping 350 Indians cooped up in a small steamer at the outer anchorage for a considerable time during this hot weather?—Most disastrous to the Indians.

Yours sincerely,
(Signed) J. PERROTT PRINCE, M.D.

(APPENDIX Hb)

Copy

December 22nd, 1896

DEAR SIR,

For your information regarding the plague now prevalent in Bombay, I will answer your questions seriatim.

Firstly, the incubation period is generally considered to be from 2 to 8 days, though Sir Walter Broadbent considers the period from a few hours to 21 days. Twenty-one days appears to be the outside limit the disease can require to make itself manifest after contraction.

Secondly, in my opinion, if there was beyond doubt a clean bill of health during a 21 days' voyage, there would be no danger of the disease in that boat.

Thirdly, the keeping closely packed of a large number of persons in a confined space is always liable to lead to ill health, and therefore to be avoided if possible.

I am,
faithfully yours,
(Signed) N. S. HARRISON,
M.D., B.A., Cantab.

(*APPENDIX I*)

Copy

(TELEGRAM)

FROM
LAUGHTON

TO

COLONIAL SECRETARY
MARITZBURG

Anxiously awaiting reply, re quarantine, both steamers are signalling for water, forage and provisions.

(Signed) GOODRICKE, LAUGHTON & COOKE

(*APPENDIX J*)

Copy

DURBAN,
24th December, 1896

TO

DANIEL BIRTWELL, ESQ., M.D.,
ACTING HEALTH OFFICER
PORT OF NATAL

SIR,

We are instructed by Messrs. Dada Abdoolla & Co., of this town, owners of the "Courland", s.s., and representing the owners of the "Naderi', s.s., to bring to your notice that these vessels with 255 and 356 passengers on board respectively, have been lying in the outer anchorage, bound from Bombay to this Port, since Friday last, the 18th instant without pratique being granted to them by you, although the respective masters have been ready and willing, and still are, to sign a declaration in terms of Law 3, 1858, testifying to the perfect state of

health of all on board the said respective vessels throughout the voyage, and to do all things necessary to meet the requirement of the law.

We are instructed to request you immediately to grant pratique to the said vessels to enable them to enter the harbour and discharge their passengers and cargo.

In case you should refuse to grant our request, we shall be glad if you will inform us of the grounds of your refusal; and as this is a matter of the utmost urgency, we shall feel obliged by giving us your reply at your earliest convenience.

We are, Sir,
your obedient servants,
(Signed) GOODRICKE, LAUGHTON & COOKE

(*APPENDIX K*)

Copy

DURBAN,
24th December, 1896

TO
GOODRICKE, LAUGHTON & COOKE

GENTLEMEN,

Your letter of today to hand. I am endeavouring to do my duty as Health Officer with due regard to all interests.

I am willing to authorize the placing in quarantine on the Bluff, at the cost of the ships, all persons intended to be landed. And when this is arranged for, pratique may be given to the ships after my instructions have been carried out.

Yours obediently,
(Signed) D. BIRTWELL
AG. MEDICAL OFFICER OF HEALTH

(*APPENDIX L*)

Copy

DURBAN,
25th December, 1896

TO
D. BIRTWELL, ESQ., M.D.
ACTING HEALTH OFFICER

SIR,

We have your letter of yesterday, but before replying thereto, we would draw your attention to the fact that you have given us no reply

to the question contained in our letter of yesterday. On receipt of an answer thereto, we shall be in a position to answer your letter of the 24th inst.

In view of the fact that each day's detention of the vessels represents a loss of £150, and great risk to the health, if not the lives, of passengers, we trust we shall receive your reply during the morning, and you shall have ours immediately thereafter.

We are, Dear Sir,
your obedient servants,
(Signed) GOODRICKE, LAUGHTON & COOKE

(*APPENDIX M*)

Copy

DURBAN,
December 25th, 1896

TO

GOODRICKE, LAUGHTON & COOKE

GENTLEMEN,

In reply to yours of December 25th to hand, in which you state that I have given no reply to the question contained in your previous letter in reference to my refusal to grant pratique, etc., I beg to state that I do not consider it safe to grant pratique to the vessels except on the conditions stated by me.

Yours obediently,
(Signed) D. BIRTWELL,
ACTING MEDICAL OFFICER OF HEALTH,
DURBAN PORT

(*APPENDIX N*)

Copy

DURBAN,
25th December, 1896

TO

D. BIRTWELL, ESQ., M.D.,
ACTING HEALTH OFFICER

DEAR SIR,

We have your letter of today wherein you state, with reference to your refusal to grant pratique, that you do not do so because you do not consider it safe to do so except on the conditions stated by you.

In reply, we beg to draw your attention to the fact that you still give us no reply to the question contained in our letter to you, of yesterday.

In order that there may be no mistake between us, we beg to draw your attention to the Law, by which you will see that pratique can be refused on certain grounds, and we ask you to state your grounds in this case. We venture to express surprise at your evident reluctance in answering a question which our clients are so clearly entitled to put.

We are, Dear Sir,
your obedient servants,
(Signed) GOODRICKE, LAUGHTON & COOKE

We also ask for the exact conditions which you make for the granting of pratique, as, if you have given them to us, it must be very imperfectly so.

(*APPENDIX O*)

Copy

DURBAN,
December 26, 1896

TO

GOODRICKE, LAUGHTON & COOKE

GENTLEMEN,

I have your letter of December 25th, 1896. I cannot let any risk to the Colony be run by giving pratique to the steamers without proper precautions.

If the passengers are not landed into quarantine quarters, 12 days must run after fumigation of the ship and precautions as regards clothing, namely, by washing and disinfecting, and the burning of sundry old rags, mats, sacks, etc., in accordance with instructions given by me to each Captain, before pratique can be given. If the owners agree to bear the expense of quarantine, then the landing must be preceded by fumigation and precautions as above, and after the landing is effected, the departure of the steamers will be facilitated; but there must be no contact with shore except under proper restrictions. If you want to get the steamers away, the simplest course will be to arrange for the owners to bear the expense of quarantining the passengers on the Bluff for twelve days after fumigation, etc., of the ship, or for any longer period, should such necessity arise.

As regards any legal points connected with the matter, please write to the Clerk of the Peace, as I have nothing to do with them.

Yours obediently,
(Signed) D. BIRTWELL

(*APPENDIX P*)

Copy

DURBAN,
26th December, 1896

TO

D. BIRTWELL, ESQ., M.D.

DEAR SIR,

We have your letter of today. We have three times asked you for your reasons for refusing pratique to the steamers, "Courland" and "Naderi" and each time you have evaded the question : we must, therefore, take it that you refuse to give them.

We have been informed by the Principal Under-Secretary that you have informed the Government that you base your refusal on the fact that the bubonic plague is prevalent at Bombay, and that there is danger of infection if pratique is granted to these steamers, and unless we hear from you to the contrary, we shall take it that this is your reason. Presuming this to be a good ground in law, it would certainly have to be based on reasonable grounds.

Dr. Crookshank, in his recent edition on Bacteriology, says "that the period of incubation varies from a few hours to a week." Drs. Prince and Harrison, in their respective reports which we annexed to our clients' petition to the Government,[1] say much the same, and you, we are informed, give the period of twelve days. It is now 26 and 28 days respectively since the vessels left Bombay, and they have now, and have had, ever since the commencement of their respective voyages, an absolute clean bill of health; and yet, despite these facts, you declare it as your intention to refuse pratique until a period of twelve days have (*sic*) elapsed after you have dis-infected the passengers and ships. Our clients instruct us to protest against such a course, and to inform you that you will be held responsible for all loss caused to them by reason of your refused pratique, and also for the injury to the health of the passengers, which is likely to ensue from being confined to the steamers for a lengthened period.

We are, likewise, instructed to draw your attention to the fact that the steamers have now been at the outer anchorage for upwards of eight days, and that it would appear from your letter of today that no steps have been taken to disinfect them, although on Thursday morning last you informed the writer that you would probably do it that afternoon: or this delay you will also be held responsible.

1 *Vide* pp. 259-60, *supra*.

With regard to placing the passengers in quarantine on shore at the expense of the owners of the vessels, we have to inform you that our clients regard your refusal of pratique as an illegal action, and they will, therefore, be no party to your proceedings, further than to request you, without one hour's unnecessary delay, to take such steps as you may think proper for what you are pleased to call disinfecting the vessels. Moreover, the course you suggest would not decrease the damage to our clients because they would be unable to land the ships' cargo.

We beg to record the fact that the Health Officer, on the arrival of the steamers, stated it as his opinion that pratique could be granted without any danger, and that, if he were permitted, he would do so, but he was, thereupon, suspended by the Government, and you appointed in his place.

Also that Drs. Mackenzie and Dumat, having been privately interviewed by Mr. Escombe on the question, were at his suggestion (as he informed the writer) called in by you to give their opinion as to the refusing pratique.

We are, Sir,
your obedient servants,
(Signed) GOODRICKE, LAUGHTON & COOKE

(APPENDIX Q)

Copy

DURBAN,
8th January, 1897

TO

THE HONOURABLE
THE COLONIAL SECRETARY
MARITZBURG

SIR,

We have the honour to bring the following facts to your notice.

We are the owners of the Courland s.s., and we represent the owners of the Naderi s.s., which steamers left Bombay for this port on the 30th November last,[1] and arrived here, respectively, on the 18th ultimo at 5.30 p.m. and 2 p.m., having on board, respectively, 255 and 356 of Her Majesty's Indian Subjects.

On the following morning a *Gazette Extraordinary* was issued by the Government, containing a Proclamation of the Governor, proclaiming Bombay an infected Port.

[1] *Vide* footnote at p. 255, *supra*.

The above steamers had absolutely clean bills of health on arrival, and during the whole of their respective voyages, but they were refused pratique on grounds which the Acting Health Officer of the Port refused to give, but which, we presume, were given to us by telegram from the Principal Under-Secretary, dated the 24th ultimo, as follows: "That the Medical Committee has advised Government that the period of incubation of the bubonic plague being sometimes as much as twelve days, the quarantine should be of that period after all chances of disinfection have been destroyed, and Committee has also recommended the thorough disinfection of immigrants, and their clothing, and the burning of all old rags and dirty clothing. Government has approved the Committee's Report, and has instructed the Health Officer to act upon it, and not to grant pratique to the ships until he is satisfied that the conditions of the Report have been fulfilled."

The steamers lay at anchor in the outer anchorage from the 18th ultimo, until the 28th ultimo, without any steps whatever being taken to disinfect them, but on the 29th ultimo, we believe, disinfection was completed, in terms of the above-mentioned report of the Medical Committee.

This delay in disinfection cost the owners of the steamers one hundred and fifty pounds per diem, or a sum of £1,650.

Relying on the assurance contained in the Principal Under-Secretary's telegram of the 24th, that pratique with all its privileges would be granted to the steamers if they were placed in the hands of the Health Officer, for the purpose of undergoing the requirements of the Medical Committee's Report, the steamers were so placed in his hands to the great injury (1) of the passengers, as all their beds, bedding and much of their clothing was burned, and for several nights, many of them were left to sleep on the boards; (2) to us as owners, in as much as our steamers have been detained during the days of quarantine at an expense of £150 per diem; and (3) to the friends and countrymen of the passengers, who have supplied their wants by furnishing beds, bedding, clothing and food during the detention.

During the last few days, two meetings of excited European townspeople have been held at Durban, called together under the following notice which appeared in several issues of *The Natal Advertiser:*

"Wanted every man in Durban, to attend a meeting to be held in the large room at the Victoria Cafe, on Monday evening next, the 4th January, at 8 o'clock, for the purpose of arranging a demonstration to proceed to the Point and protest against the landing of Asiatics. Harry Sparks, Chairman of Preliminary Meeting."

The two meetings were largely attended, and in spite of the unlawful objects of such meetings clearly indicated in the above notice, the Town Hall of Durban was opened for such meetings.

We quite recognize the right of Her Majesty's subjects to ventilate their grievances in public meetings, provided the objects of such meetings are legal, and as regards the first of the said two meetings held on the 4th instant, we would draw your attention to the report of it which appeared in *The Mercury* and *The Natal Advertiser* of the 5th instant, by which you will see that, inspite of declaration by certain speakers to the contrary, violence to the passengers or to some of them was contemplated in the event of the Government not granting their request, and in the event of the passengers being landed.

But as regards Dr. MacKenzie, who formed one of the Medical Committee upon whose Report the steamers were placed in quarantine, and who, as one of such Committee, is supposed to have given his opinion with impartiality and fairness, we would venture to bring to your notice extracts of a speech which he delivered to such meeting in proposing the following resolution, that is to say :

"Every man at this meeting agrees and binds himself, with a view to assisting the Government to carry out the foregoing resolution, to do all his country may require of him, and with that view will, if necessary, attend at the Point at any time when required."

The following are extracts of Dr. MacKenzie's speech taken from the report of a gentleman employed by us :

"Mr. Gandhi had dragged their reputation about in the gutters of India, and painted them as black and filthy as his own skin (laughter and applause)."

"They would teach Mr. Gandhi to come to the Colony of Natal, to take everything that was fair and good in it, and then to go out of it and blackguard them whose hospitality he had been enjoying. They would teach Mr. Gandhi that they read from his action that the Coolies were not satisfied with what they (Colonists) had given him, and that he intended to get something more, and gentlemen, he would get something more (laughter and applause)."

"As the United States sent back some Chinamen to China, and even some people back to Glasgow, because the Yankees did not think them good enough, and they were going to send back a lot of unhealthy bubonic individuals to the place from whence they came."

In speaking immediately to the resolution which he proposed, Dr. MacKenzie said :

"Well, they saw that that brought them to the Point. (loud applause).

He hoped they would be all there when required. There was nothing in that that any of them need be ashamed of. Every man, who had any manliness about him, should be prepared to do something for his country when their country required it."

"But, if the glimmering outlook that they could gather was going to indicate that the Indians were going to place themselves on the same platform as the whites, that could only be done in one way, and it could only be done at the end of the bayonet." (applause).

"They there that night were prepared to go to any extreme in defending their own honour, and in securing to their children places in the Colony, which even now they had given away to the heirs and offspring of Gandhites." (applause).

"He had come to the meeting in a bit of a hurry, but he thought he had placed before them the leading points, and it meant this, that they were going to back the Government up in this matter, that they believed the Government would co-operate with them, and that not a soul would be allowed to land from those two ships in the harbour of Durban." (loud applause).

We extract the following from the report of the proceedings at the second meeting held on the 7th instant contained in the *Mercury* of today :

MR. J. S. WYLIE : "Somebody said 'sink the ships,' and he had heard a naval man say he would give a month's pay for one shot at the ships." (cheers and laughter). "Was every man prepared to put down a month's pay in this matter?" (cries of 'yes,' and 'unanimous').

MR. SYKES : "They must make up their minds to lose both time and money; they must be prepared to leave their work and proceed to Demonstration. It must be done on an organised system—they must obey their leaders. It was no good for everyone to throw one another overboard. (laughter). They must strictly obey orders. At the word of command, "fall in", and do what they were commanded. (cheers, laughter, and encores). He moved: "That we proceed by demonstration to the Point on the arrival of the Indians, but each man binds himself to conform to the orders of his leaders." (cheers).

Dr. MacKenzie : "Since they last met, the position had become less acute. They had advanced the line laid down, and they knew exactly the position of the Government, the willingness of the Government to assist them by all the power they had at their disposal. As far as the Government was concerned, he was thoroughly satisfied. The Government on this point were absolutely at one with the burgesses of Durban, and

therefore, they had to set aside any question as to difficulty or conflict with the gentlemen whom the electors had placed, for the time being, in the position of the Government. They were in accord with the Colony, and that was a matter for congratulation. Unfortunately, the Government was so placed that they could not insist on the Indians not landing here, and being sent back in the ships in which they came. That was practically impossible; and the Committee pointed out to Mr. Escombe that this condition of things was an anomaly. There must be some short-fall in the Constitution of the Colony when the best interests and absolute desires of the Colonists could not be achieved and met by the machinery of Government (cheers). They pointed out that the Colonists would insist that that condition of things should cease, and that the Government should be placed in the position of being able to meet the wishes and necessities of the country. Mr. Escombe agreed with them, and they had heard what steps had been taken to meet the urgency of the case. Government was taking all the steps it could, and, within a day or two, he hoped that every meeting held throughout the Colony would show one unanimous desire for an immediate summoning of Parliament. The men of Durban were unanimous. He said the men of Durban—there were a few old women knocking about the place. ('hear, hear', and laughter). They had only to take the tone of some of the leaders of the newspapers to see the type of men who stuck behind the quill. Men who wrote that sort of thing presumed that the burgesses did not know what was right, and had not got the pluck that was absolutely necessary to do what was right, because a little bit of risk attached to it. (cheers). If there were any of those old ladies there, they would, doubtless, have stepped up when the Chairman asked for hands against the resolution. They must presume none were there, and they wanted no connection with that class of persons.

"The resolution had relation to the fair dealing of the Colony of Natal. All but one man on board those boats left India without any reason to suspect that they would not be agreeably received as residents in the Colony. One passenger might be reasonably expected to have had some suspicion on that point." (cries of 'Gandhi', laughter, and uproar).

"Anything he said regarding the Indians did not refer to that gentleman ('no gentleman'). They laid down the rule, and no more Indians should come in.

"They had a right to shut the door, and they intended to shut the door. They would deal fairly also with these people now in quarantine —they would even be fair in dealing with respect to that solitary individual, but he hoped there would be a marked distinction between the

character of the dealing. (laughter). They were prepared to leave the matter in the hands of the Government so far as constitutional and international relations were concerned, but there was a private relation he did not intend to lay down—personal duty to themselves and the rest of the Colony. They did not intend to lay down the agitation until they achieved something. With that object in view, he wished the burgesses of Durban to be ready at any time, as they had been in the past, to go down to the Point when called upon to make a demonstration, and they would show the people who came by these boats what the Colonists of Natal meant, and they would also have a further object, which would be gained from instructions of the leaders when they were there. (cheers and laughter). Every one could associate himself with a certain leader, and through him gain information as to a notice they would get, and that notice meant that they had to throw down their tools and go straight to the Point. (cheers). When they got to the Point, they would be under orders—each would know if he took the trouble to find out. Then they would do exactly what their leader told them, if he told them to do anything. (laughter). In the course of a day or two, some fresh development would take place, and it would again be necessary to refer to them in another public meeting, because they did not wish to have their individual views or styles, but absolutely be the representatives of the people. (cheers)."

"The Chairman hoped they would all stick to their 'guns'. Let them not be unanimous then, and when deeds were wanted find only one third of their number. The Demonstration would be a peaceable demonstration as regards the Indians on board—as regards one man it would be left to the leaders and them to deal with him down there. (loud cheers and laughter). They now wanted organisation to carry out the object in view. Some men had said they would be able to bring fifty or one hundred men who were in their service, and they wanted volunteers of that kind who would lead so many men and be responsible for them. (A voice, 'Have a review on Saturday.')"

"Mr. Wylie said it would assist in the organisation, and in the regulation of the Demonstration, if men gave in their names with a list of men who were willing to act with each, and would follow his lead. The Chairman would then know the Section Leaders, to whom to send word, and they in turn would inform their Company. There was, of course, only one leader, Mr. Sparks, but he could not speak to 5,000 men, and this means of communication was necessary. (A voice—It looks more like business now.)"

The meeting appears to have been greatly encouraged, in the carrying out of their demonstration, by the report made to the meeting of a Committee which had waited on Mr. Escombe, Her Majesty's Minister of Defence in this Colony. The Committee reported as follows :

"Mr. Escombe treated the Committee at an interview that morning, extending over two hours, in a fair and reasonable manner. He said : 'The Government is with you to a man, and wish to expedite this in every possible way. But you must be careful not to do anything which will hamper our hands. Spurring an unwilling horse to death is a very different thing to spurring a willing horse to death.' Then the Committee said : 'If the Government did nothing, Durban would have to do it herself, and go in force to the Point, and see what could be done.' They capped that by remarking : 'We presume that you, as representing the Government and good authority of the Colony would bring force to oppose us?' Mr. Escombe said : 'We will do nothing of the sort; we are with you and we are going to do nothing of the sort to oppose you. But, if you put us in such a position, we may have to go to the Governor of the Colony, and ask him to take over the reins of this Colony as we can no longer conduct the Government. You will have to find some other persons.' (uproar)."

It is not for us to express our opinion regarding such words as these, if they were actually uttered by the Minister of Defence, but we would most respectfully draw your attention to the extreme danger of allowing a large body of excited men to proceed to the Point, however peaceful their original intentions may have been, and more especially, when from the utterances of the speakers and the comments thereon of the meeting, the gravest cause of anxiety must be aroused regarding the objects of the Demonstration, and the safety of the passengers on the two steamers.

We would respectfully submit that as law-abiding inhabitants of this Colony, we have endeavoured cheerfully to submit to the requirements of the Government, despite serious loss to us, and that having so complied, we are entitled, on obtaining pratique, to discharge our steamers' passengers at the wharf, and that in so doing, we are entitled to the protection of the Government for passengers and property against the lawless acts of any persons, whoever they may be. But, in order to render unnecessary any act on the part of the Government which might tend to intensify the excitement which exists, we are ready to co-operate with the Government in taking all necessary steps for the landing of passengers quietly and unknown to the public. We shall be glad to hear

if this suggestion meets with your approval, and if so, what is required of us in carrying it out.

We have the honour to be, Sir,
your obedient servants,
(Signed) DADA ABDOOLLA & CO.

(*APPENDIX R*)

Copy

DURBAN,
9th January, 1897

TO
THE HONOURABLE THE COLONIAL SECRETARY
MARITZBURG

SIR,

In supplement of our letter to you of yesterday, wherein we placed before you our reasons for entertaining grave apprehensions regarding the legality of the Demonstration and the safety, on landing, of the passengers on board the "Courland" s.s., and Naderi, s.s., we have the honour to submit the following paragraph which appears in this morning's issue of *The Mercury* newspaper : "The declaration—the document which has been extensively signed by employers in Durban, is headed as follows : List of names of members, trade or profession mentioned, who are willing to proceed to the Point and resist by force, if necessary, the landing of Asiatics, and to obey any orders which may be given by the leaders."

We have, also, the honour to draw your attention to the same issue of *The Mercury* newspaper, and under the heading of "The Leaders," you will see it reported that the railway men have banded themselves together under the command of Mr. Sparks, and under the captainship of Messrs. Wylie and Abrahams, in order to take part in the Demonstration; also that Dr. MacKenzie, member of the Medical Committee, on whose report steamers were quarantined, is in command of the Plasterers and Bricklayers division of the Demonstration.

We shall be glad to receive the assurance of the Government that Government servants will be prohibited from taking any part whatever in the Demonstration.

We have the honour to be, Sir,
your most obedient servants,
DADA ABDOOLLA & CO.

(*APPENDIX S*)

Copy

COLONIAL SECRETARY'S OFFICE,
NATAL, PIETERMARITZBURG,
11th January, 1897

C O $\frac{257}{1897}$

GENTLEMEN,

I am instructed to reply to your two letters of the 8th and 9th instant.

Your proposals for the landing of the passengers quietly and unknown to the public is impossible. The Government understand that you have requested the Port Captain not to bring the vessels inside without special instructions. This action on your part, and your letters now under reply, show that you are aware of the intense feeling throughout the Colony against the landing of the Indians, and they certainly should be informed of the existence and strength of that feeling.

I am, gentlemen,
your obedient servant,
(Signed) C. BIRD,
Principal Under-Secretary

MESSRS. DADA ABDOOLLA & CO.
DURBAN.

(*APPENDIX T*)

Copy

DURBAN,
10th January, 1897

TO
THE HONOURABLE HARRY ESCOMBE

DEAR SIR,

We have duly advised our clients, Messrs. Dada Abdoolla and Co., of the result of Mr. Laughton's conference with you of yesterday, whereat you repudiated Mr. Wylie's public statement of what had fallen from you at your conference with the Committee of the Demonstration, and said that your statement to such Committee was to this effect : That, if the Ministers were unable to cope with a Durban riot, they would be unfitted to hold office, and would resign.

At your conference with Mr. Laughton, you also laid down the following propositions as recognised by the Government :

1. That upon the requirements of the quarantine being carried out, pratique must be granted to the steamers "Courland" and "Naderi."
2. That upon pratique being granted, the steamers were entitled

to discharge their passengers and cargo at the wharf, either by the steamers themselves being brought inside or by means of tugs and lighters.

3. That the Government is responsible for the protection of passengers and cargo from the violence of rioters.

On the other hand, you were informed by Mr. Laughton that, inasmuch as Indians had to dwell in this Colony with Europeans, our clients recognised it as desirable that, in the landing of passengers, as little as possible should be done which would tend to intensify a feeling, which at present apparently exists amongst a certain class of Europeans against the Indians; and, therefore, that he felt sure, that our clients would co-operate with the Government to the extent of postponing the disembarkation for a reasonable time to enable the Government to make proper arrangements.

We are instructed to inform you that the time of quarantine expires today, and that, under ordinary circumstances, our clients would have proceeded with disembarkation today, but that they are willing to postpone it for a reasonable time to suit the convenience of the Government, provided the loss sustained by them in so doing, that is to say £150 per diem, is borne by the Government.

We trust you will see the reasonableness of this proposal, and that it will be adopted by the Government.

We draw your attention to the fact that several gentlemen holding Her Majesty's commission in Volunteer Forces are organising the intended riot, called by them a "Demonstration", and have allowed themselves to be advertised in the newspapers and by placards, as being in command of sections of the intending rioters; also, that Captain Sparks has taken the same means of advertising himself as the Chief in command of the proposed riot.

We would most respectfully and reluctantly give it as our opinion that, if the organisation had at an earlier stage been proclaimed as illegal, instead of being allowed to swell itself under false hopes, the same excitement would not now exist, and there would have been little difficulty in landing the passengers in due course; and that the organisation, or the objects of it, having been publicly declared to have the sympathy of the Government, which declaration was apparently confirmed by Government officers being in command, and by Government employees being in the ranks, it has obtained a hold on the public mind, which otherwise it could not have done.

We have the honour to be, Sir,
Your obedient servants,
(Signed) GOODRICKE, LAUGHTON & COOKE

(APPENDIX U)

Copy

ATTORNEY GENERAL'S OFFICE,
PIETERMARITZBURG, NATAL,
11th January, 1897

DEAR SIRS,

I have received your letter dated 'Durban Club, 10th January, 1897.'

I understood that the interview between Mr. Laughton and myself was to be regarded as a "private meeting", the words used by him in his note of the 9th instant.

I do not accept as correct your record of what was said by Mr. Laughton and myself.

Yours truly,
(Signed) HARRY ESCOMBE

MESSRS. GOODRICKE, LAUGHTON & CO.,
DURBAN

(APPENDIX V)

Copy

DURBAN,
12th January, 1897

TO
THE HONOURABLE HARRY ESCOMBE

DEAR SIR,

We have received your letter of the 11th inst., wherein, in answer to our letter of the 10th instant, you state as follows:

"I understand that the interview between Mr. Laughton and myself was to be regarded as a 'private meeting', the words used by him in his note of the 9th instant.

"I do not accept as correct your record of what was said by Mr. Laughton and myself."

In reply, we beg to state that it is quite true that Mr. Laughton, in his note of the 9th inst., asked for a private meeting with you, but we would draw your attention to the fact that, before that interview had continued many minutes, you told Mr. Laughton that he was to recollect that every word which he uttered would be reported by you the following morning to your colleagues in the ministry; and also that you gave him your permission to repeat everything that had taken place between us to our clients.

We beg, on Mr. Laughton's assurance, to assert what was said at the meeting was in effect accurately recorded in our letter to you of the 10th instant, but in order that there may be no misunderstanding, we shall be glad if you will point out the inaccuracies to which you refer.

We have the honour to be, Sir,
your obedient servants,
(Signed) GOODRICKE, LAUGHTON & COOKE

(*APPENDIX W*)

Copy

DURBAN,
12th January, 1897

TO
THE HONOURABLE HARRY ESCOMBE

SIR,

We have the honour to acknowledge a letter, signed by the Principal Under-Secretary, of yesterday's date, wherein he informs us that he is instructed to reply to our two letters to the Colonial Secretary of the 8th and 9th instant, as follows :

"Your proposal for the landing of the passengers quietly and unknown to the public is impossible. The Government understand that you have requested the Port Captain not to bring the vessels inside without special instructions. This action on your part, and your letters now under reply, show that you are aware of the intense feeling throughout the Colony against the landing of the Indians, and they certainly should be informed of the existence and strength of that feeling."

We cannot but acknowledge the feeling, which at present exists among a certain class in Durban, against the landing of the Indians. But, at the same time, we must most respectfully inform you that this feeling has been fostered by the Government, rather than discouraged, in the manner pointed out to you in our letters of the 8th and 9th instant.

We beg to express our surprise at your making no reference to the following facts brought to your notice in our above-mentioned letters :

1. That meetings with illegal objects have been held and are being held by certain persons in Durban, without any attempt on the part of the Government to inhibit them. 2. That Dr. MacKenzie, one of the Medical Board, has been one of the most energetic instigators of the objects of these meetings. 3. That it had been stated at some of those meetings that the Government was in sympathy with the objects of the meetings. 4. That the Minister of Defence had stated to the Committee

of the organisation, practically, that the Government would take no steps to hinder the rioters in attaining their illegal objects. 5. That we claimed the protection of the Government for passengers and property against the lawless acts of persons, whoever they may be. 6. To the "Declaration" of the rioters, set out in our letter of the 9th instant. 7. To railway employees of the Government taking part with the rioters. 8. To the leadership of the riot being under Captain Sparks and others of Her Majesty's commissioned officers taking subordinate positions under him. 9. To our request that we should receive an assurance of the Government that Government servants will be prohibited from taking any part in the demonstration. 10. To our proposal to postpone the disembarkation for a reasonable time to suit the convenience of the Government, provided the loss sustained by them in so doing, that is to say £150 per diem, is borne by the Government.

We now beg for a reply to each of these allegations and questions, and to request that you will inform us what steps, if any, have been taken to protect the disembarkation of the steamers.

The steamers have now been at the outer anchorage for 24 days, at a cost of £150 per diem to us; and this being so, we trust you will see the reasonableness of your giving us a full answer by noon tomorrow. And we think it right to inform you that, failing a definite reply giving us an assurance, that we shall be paid £150 per diem from Sunday last, and that you are taking steps to suppress the rioters, so as to enable us to disembark the steamers, preparations will be at once commenced to steam into the harbour, relying on the protection which, we respectfully submit, Government is bound to give us.

In order that there may be no mistake in the minds of the Government as to the objects of the rioters, we beg to enclose the copy of a notice signed by Captain Sparks, and served yesterday by his deputies, Captain Wylie and others, on the Captain of the "Courland" s. s. (This letter appears elsewhere.[1])

The effect of this notice signed by Captain Sparks has been to make many passengers afraid of their lives in the event of landing at this port.

We, likewise, beg to enclose a copy of a memorandum written by Captain Wylie and served upon the Captains of each of the steamers for their signatures, and represented by him as embodying the only terms upon which the ships will be allowed to disembark. (App. Wa).

We beg most respectfully to ask, in conclusion, if the Government

[1] *Vide* pp. 251-2, *supra*.

will allow such flagrant acts to proceed which can only end in injury, if not death, to many of Her Majesty's subjects.

We have the honour to be, Sir,
your obedient servants,
(Signed) DADA ABDOOLLA & CO.,

(*APPENDIX Wa*)

Copy

THE CENTRAL HOTEL,
DURBAN, NATAL
[*January 11, 1897*]

Terms agreed between the Captain of the s.s. "Naderi" and the Committee of the Point Demonstration : 1. The "Naderi" shall not leave the outer anchorage to come into the port of Durban. 2. All wives and children of Natal Indians to be allowed to land. 3. All old Natal Indians to be allowed to land, on the Committee being satisfied that they are returning here. 4. All others to be transferred to the s.s. "Courland", and so many as the "Courland" cannot take, to be taken back by the "Naderi" to Bombay. 4a. The Committee pay the ship the exact amount of passage money required to send back to India the Indians the "Courland" cannot take. 5. The Committee pay to the Indians the exact value, and no more, of the clothing and effects destroyed at this port. 6. The Committee pay to the "Naderi" the extra expense she may be put to in having to coal and take provisions at the outer anchorage instead of in the harbour, and such additional expense as the ship may be put to through the Committee not allowing the "Naderi" to leave the anchorage.

(*APPENDIX X*)

Copy

POINT,
13th January, 1897,
10-45 a.m.

MESSRS. DADA ABDOOLLA & CO.

SIRS,

I have the honour to acknowledge the receipt of your letter dated yesterday.

The Port Captain has instructed that the steamers shall be ready to cross the bar inwards at 12 o'clock tobay.

The Government needs no reminder of its responsibility for the maintenance of order.

I have the honour to be, Sir,
your obedient servant,
(Sd.) HARRY ESCOMBE

(*APPENDIX Y*)

SIR,

I observe, in your leader in this morning's issue of the *Mercury*, you give it as your opinion that Mr. Gandhi was ill-advised in landing and coming through Durban on Wednesday last; and, as I was certainly a party to his coming ashore as he did, I shall feel obliged by your giving me an opportunity of answering your remark. Hitherto it has been useless to speak unless you were prepared to adopt the programme of the Demonstration party and its particular mode of attaining its ends; but, now that the Committee is dissolved, and the minds of men are no longer being inflamed, I trust that my letter will receive calm and thoughtful consideration. Let me commence by saying that, while the agitation was proceeding, I obtained a copy of Mr. Gandhi's pamphlet published in India, and concerning which we received Reuter's cable some months ago, and I can assure your readers that Reuter not only misrepresented the pamphlet, but misrepresented it so much that, on reading the two, I cannot but come to the conclusion that the writer of the cable had not read the pamphlet. I can say, further, that there is nothing in the pamphlet which anyone could take exception to on the ground of untruthfulness. Anyone can obtain a copy and read it if he chooses. Let your readers do so and answer honestly : Is there anything in it untrue ? Is there anything in it which a political opponent was not justified in saying in support of his cause? Unfortunately, the mind of the public was inflamed by Reuter's version of it,[1] and throughout the recent disturbances, there was not a man to point out to the public the difference between the true and the untrue. I don't wish to hurt any man's feelings by repeating the words which he uttered in the hour of excitement and which, I know, in his calmer moments he will deeply regret, but, in order that the position may be understood, I must place before your readers, shortly, what Mr. Gandhi's position was before he took the step of landing and coming into town. I shall, therefore, without mentioning names, give the effect of just a few of the public statements made concerning him: (1) That he had dragged our reputations

[1] *Vide* pp. 187-8, *supra*.

through the gutters of India, and had painted them as black and filthy as his own face. (2) That he might be allowed to come ashore that we might have the opportunity of spitting at him. (3) That some special treatment, at the word of command,. should be meted out to him and that he should never be allowed to land in Natal. (4) That he was engaging himself, on board the quarantined ship, in getting briefs from passengers against the Government. (5) That when three gentlemen, representing the Committee of the Demonstration, went on board the "Courland", he was in such a 'funk' that he was stowed away in the lowest hold; and, on another occasion, that he was seen sitting on the deck of the "Courland" in a most dejected mood. These are only a few cf the things stated against him, but I take them as sufficient for my purpose. If the above charges were true, if, in other words, he was a cowardly calumniator, stabbing us when at a safe distance, and if he had acted so that he was a fit object to be spat at, and afraid to return and face the consequences, then he was unfitted to be a member of an honourable profession, or to hold the position of leader in a great political question in which his countrymen take as much interest as we do and are as much entitled to ventilate their political views as we are. Before he went to India, I had met him in business matters on several occasions, and was struck with the anxiety shown by him to avoid litigation and to put matters in dispute on a fair basis, and with the honourable manner in which he dealt with business matters, so much so that I formed a very high opinion concerning him. I say this advisedly and I have no doubt my words will be approved by the members of the profession who know Mr. Gandhi. It was once said by an eminent judge that success at the Bar was not attained by endeavouring to injure opponents at the Bar, but only by so qualifying one's self as to be equal or superior to such opponents. So, in political matters, we must give fair play to an opponent, and answer his argument by counter argument, and not by heaving half a brick at his head. I have found Mr. Gandhi, both in legal matters and on the Asiatic question, a fair and honourable opponent, obnoxious to us as his contentions may be, who would scorn to hit below the belt. To vindicate himself before the public then, it was decided that he should not give his enemies an opportunity of saying that he was 'funking it' on board the "Courland", where he could have stayed for a week, if he had chosen; that he should not sneak into Durban like a thief in the night, but that he should face the music like a man and like a political leader, and — give me leave to say—right nobly did he do it. I accompanied him simply as a member of the Bar, to testify, by so doing, that Mr. Gandhi was an honourable member of

an honourable profession, in order that I might raise my voice in protest against the way in which he had been treated, and in the hope that my presence might save him from insult. Your readers have now the whole matter before them, and the reasons which induced Mr. Gandhi, to land as he did. He might have kept to the boat at Cato's Creek, when he saw the crowd collecting to receive him; he might have taken refuge in the Police-station; but he did not, he said he was quite ready to face the men of Durban and to trust them as Englishmen. Throughout the trying procession, his manliness and pluck could not have been surpassed, and I can assure Natal that he is a man who must be treated as a man. Intimidation is out of the question, because, if he knew the Town Hall were going to be thrown at him, I believe, from what I saw, that he would not quail. Now, you have the tale impartially told, I hope. Durban has grossly insulted this man. I don't describe the scene; I prefer not [to]. I say Durban, because Durban raised the storm, and is answerable for the result. We are all humiliated at the treatment. Our traditions concerning fair play appear to be in the dust. Let us act like gentlemen, and, however much against the grain it may be, let us express regret handsomely and generously. —I am, etc. F. A. LAUGHTON, *The Natal Mercury*, 16th January, 1897.

There has been a good deal said about Reuter's cabled summary of Mr. Gandhi's Indian pamphlet, within the last day or two. . . . The general impression that is conveyed by these summaries is unquestionably different to the impression created in the minds of those who read the pamphlet. . . . Frankly, it may be admitted that Mr. Gandhi's pamphlet is not an unfair statement of the position of the Indian in South Africa from an Indian's point of view. The European refuses to recognise the Indian as an equal; and the Indian, as a British subject, considers he has a right to all the privileges of the British subjects of European birth in the Colony, and under the Proclamation of 1858, he is legally entitled to that claim. That there is a prejudice in South Africa against the Indian, it would be folly to deny, but at the same time, Mr. Gandhi, we think, might make greater allowance for the fact that, as a whole, his countrymen in South Africa are not of a class that, even in India, would be allowed to ride in first-class railway carriages or admitted into the best hotels. . . . Coming back to the pamphlet and the cabled summaries, these latter might have been as correctly written of some pamphlet describing the treatment of the Armenians by the Turks, and, in fact, Reuter's cable read by itself gives some such impression. When the pamphlet written by Mr. Gandhi, however, is read in its entirety, the context reveals the fact that, while there are instances of real hardship given, the bulk of it is made up of political grievances

in many cases similar to those the Uitlanders complain of in the Transvaal. The pamphlet, in short, contains practically nothing that Mr. Gandhi did not publish previously in Natal, and nothing that is not generally known. On the other hand, it is useless for Mr. Gandhi, or anyone else, to endeavour to have the Indian accepted in South Africa at his own estimate. There is no use being hypocritical in the matter. There is a strong and deeply-rooted prejudice against Indians flocking into the country, and against their customs and mode of life. They may be British subjects by law, but they are aliens by what is stronger than law, viz., racial traditions and instincts. —*The Natal Mercury*, 18th January, 1897.

It is now beginning to be admitted that the outcry against Mr. Gandhi was much more bitter and violent than warranted by the facts, and that his statements, although perhaps exaggerated, did not amount to such a wilful and deliberate attempt to blacken the character of the Colonists as to justify the vindictive attitude assumed, doubtless, under a misconception, by some extremists. Mr. Gandhi is endeavouring to perform for his compatriots similar services to those which Englishmen have always been ready to perform, and when time has been afforded for cool reflection, it will be recognised that, however, mistaken his methods, or however untenable his theses, it is the worst possible policy to treat him as an outcast and a pariah, because he is striving to secure what he considers to be the rights of his fellow-countrymen. It has always been the boast of Englishmen that they can take up a side without abandoning all fair play to their opponents. Colonists know that it would be dangerous to the well-being of the Colony to grant what Mr. Gandhi demands; they know that the fundamental and abiding racial distinctions between the Asiatic and European for ever preclude anything like social equality, and that no argument will ever bridge the gulf; they know that, even though abstract justice may apparently be against them, the instinct of self-preservation warns them that theirs is the only safe position; in short, they know that the Colony cannot remain a white Colony if no limit is put to Asiatic immigration. All this, however, may be admitted, without spoiling our case by unfair and unnecessary harshness towards those who, quite naturally, take other views. Harm has been done already by the accentuation of the personal element, and it is to be hoped that Colonists will, in future, exhibit that dignity and self-restraint in the conduct of the campaign, without which we cannot expect the approval of disinterested observers. —*The Natal Mercury*, 19th January, 1897.

Mr. Gandhi's statements to the *Advertiser* interviewer[1] have been

[1] *Vide* pp. 154-65, *supra*.

read with considerable interest, and show that he has a good deal to say for himself. If his assertions are correct, there seems to have been a good deal of exaggeration in the statements made about him and his proposed scheme to swamp the Colony with Indians, which have had much to do with the irritation of the public mind against him. In the interests of justice it is to be hoped this matter will be cleared up. It has been asserted that the Government have information in their possession to prove the existence of this scheme. If so, the evidence ought to be brought forward, because this really constitutes the gravamen of the charges against Gandhi. Mr. Gandhi admits that "the leaders of the Demonstration Committee, and anybody in Natal would be perfectly justified in getting up a constitutional agitation if there was an organised attempt to swamp the Colony with Indians." So that, if the scheme can be proved, as some people state, Mr. Gandhi's mouth will be closed. ...Then, again, he totally denies the assertion that he was instigating legal proceedings against the Government for unlawful detention. If there is any proof for that charge, it, too, should be produced. He denies, further, that a printing press and compositors were brought over by him, or that the number of passengers for Natal is anything like so great as alleged. These matters are surely capable of direct proof or disproof, and it would be well if they were settled, because, if what Mr. Gandhi says is true, it would seem that the recent agitation was started on insufficient grounds, and incorrect information. . . . It will be necessary, if the aid of the Imperial Government is to be obtained, to have hard facts to go upon. It will not advance our cause to raise an outcry that the country is being swamped, and to talk about thousands of Indians coming across in one or two vessels, and then, when it is all boiled down, find there are only one or two hundred. No good will be gained by exaggeration. . . . There is no getting away from the fact that this brutal outrage was committed on the very day of the Demonstration, under the influence of feelings excited by the Demonstration, and what led up to it, and also in defiance of the assurance of the representative of Government that the passengers were absolutely safe. The incident shows what might have happened on a larger scale, if the Demonstration had been carried to the lengths which were at first intended.

The Natal Advertiser, 16th January, 1897.

Enclosure in Despatch No. 62 from the Governor of Natal to H. M.'s Principal Secretary of State for the Colonies, London, dated 10th April, 1897.

Colonial Office Records: Petitions and Despatches, 1897.

30. LETTER TO R. C. ALEXANDER[1]

The manner in which Gandhiji was protected and rescued when the Durban mob assaulted him is described in the Autobiography *(pp. 192-4). From letters (S.N. 1938 and S.N. 1939) which the Police Superintendent and his wife wrote to him on January 22, 1897, it appears that he had thanked them and sent them personal presents. His own letters to them are, unfortunately, not available. This and the following letter which he drew up on behalf of the Indian community are, however, on record.*

DURBAN,
March 24, 1897

TO
R. C. ALEXANDER, ESQ.,
SUPERINTENDENT, BOROUGH POLICE
DURBAN

SIR,

We, the undersigned, representing the Indian community in the Colony, herewith beg to present a gold watch with a suitable inscription in grateful recognition of the excellent manner in which you and your police preserved order on the 13th day of January, 1897, and were instrumental in saving the life of one whom we delight to love.

We are aware that what you did was, in your opinion, nothing more than your duty; but we believe that it would be very ungrateful on our part if we did not, in some way, humbly record our appreciation of your valuable work during that exceptional time.

Moreover, for the same reason, we send herewith the sum of £10 for distribution among those of your Force who assisted on the occasion.

We remain etc.

From the photostat of an unsigned handwritten copy: S. N. 2149.

1 *Vide* introductory note at p. 165, *supra*.

31. LETTER TO MRS. ALEXANDER

DURBAN,
March 24, 1897

MRS. ALEXANDER
DURBAN

MADAM,

We, the undersigned, representing the Indian community in this Colony, herewith send you an humble present in the shape of a gold watch, chain and locket with a suitable inscription, as a token of our appreciation of the way in which you defended one whom we delight to love, on the 13th day of January, 1897, during the Anti-Indian Demonstration Crisis at no small personal risk to yourself.

We are sure that nothing that we can offer will be an adequate return for your act which will ever be a pattern of true womanhood.

We remain etc.

From the photostat of an unsigned handwritten copy: S. N. 2150.

32. PETITION TO NATAL ASSEMBLY[1]

In the petition dated March 15, 1897, which he addressed to Mr. Chamberlain on the subject of the Demonstration of January 13 and subsequent developments in Natal, Gandhiji had made a detailed reference to the Quarantine, Dealers' Licenses and Immigration Restriction Bills, pending before the Natal Legislature, which were restrictive of the rights of the South African Indians. He had there indicated that, in the event of their becoming law, the Indians would make a representation to the Secretary of State for the Colonies. This took concrete shape, as will be seen, in the memorial dated July 2, 1897. But before recourse was had to this

[1] *The Natal Mercury* of 29-3-1897 published the text of the petition with a few introductory lines and some minor verbal alterations.

step, a petition was presented to the Natal Legislative Assembly itself on March 26. The text, which was also published in The Natal Mercury *and later appended to the petition of July 2, is given below.*

DURBAN,
March 26, 1897

TO

THE HONOURABLE THE SPEAKER AND MEMBERS OF THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF THE COLONY OF NATAL IN PARLIAMENT ASSEMBLED, PIETERMARITZBURG

THE PETITION OF THE UNDERSIGNED REPRESENTING THE INDIAN COMMUNITY IN THIS COLONY

HUMBLY SHEWETH:

That your Petitioners hereby venture to lay before this Honourable House the feeling of the Indian community with reference to the Quarantine, Trade Licenses, Immigration and Uncovenanted Indians Protection Bills[1] that are now, or soon will be, before this Honourable House for consideration.

Your Petitioners understand that the first three Bills hereinabove referred to are meant, directly or indirectly, to restrict the immigration of Her Majesty's Indian subjects into the Colony. Strange as it may appear there is no mention of the persons whom they are meant to affect.[2] With the greatest deference, your Petitioners venture to submit that such a mode of procedure is un-British and, therefore, it should not receive countenance in a Colony which is supposed to be the most British in South Africa. If it is proved to the satisfaction of this Honourable House that the presence of the Indian in the Colony is an evil and

[1] The provisions of these enactments are reproduced at pp. 339-47, *infra*.

[2] Indians are not specifically mentioned in three of the four measures despite the fact that they were implicitly meant to affect the Indians; only the Uncovenanted Indians Protection Bill referred to the Indians by name.

there is an alarming influx of Indians into the Colony, your Petitioners submit that it will be better in the interests of all parties concerned that a Bill directly aiming at the evil be passed.

But your Petitioners respectfully submit that it can be easily shewn that the presence of the Indian in the Colony, instead of being an evil, is of benefit to it and that there is no alarming influx of Indians into the Colony.

It is an admitted fact that the Indians, whom the Bills are calculated to keep away from the Colony, are "sober and industrious". Such is the opinion pronounced by the highest authorities in the land as well as by those who are their bitterest opponents. And your Petitioners submit that such a class of people cannot but be an economical benefit wherever they may go, more especially in newly-opened up countries like Natal.

Your Petitioners further urge that the returns published by the Acting Protector of Immigrants[1] shew that while 1,964 Indians arrived in the Colony between August and January last, 1,298 left it during the same period. Your Petitioners feel sure that this Honourable House would not consider this increase to be such as to justify the introduction of the Bills under discussion. Nor will this Honourable House, your Petitioners trust, ignore the fact that most, if not all, of the 666 Indians must have proceeded to the Transvaal.

Your Petitioners, however, do not wish to say that the statements made above should be accepted without verification. But your Petitioners submit that the statements furnish a prima facie case for enquiry.

Your Petitioners fear that the Bills are a present to the popular prejudice. It is, therefore, respectfully submitted that before considering the Bills this Honourable House should ascertain beyond doubt whether the evil does or

1 *Vide* p. 235, *supra*.

does not exist.

Your Petitioners humbly suggest that a census of the free Indian population, and a searching enquiry in the question of the presence of the Indian being an evil, are absolutely essential to enable this Honourable House to arrive at a right conclusion with regard to the Bills. Nor is this a matter that would take so long a time as to render any legislation after the enquiry ineffectual.

An examination of the Bills without reference to their veiled object and premature character, your Petitioners submit, shows that they are unjust and arbitrary measures.

As to the Quarantine Bill, your Petitioners assure this Honourable House that in criticising it they have no wish to oppose anything, no matter how hard it may be, that may be necessary in the interests of the health of the community. Your Petitioners would welcome and, so far as it may be in their power, co-operate with the authorities in carrying out, any measures of quarantine adopted to guard the Colony against the introduction of infectious disease into it. Your Petitioners, however, venture to submit that the present Bill is simply a part of the anti-Indian policy,[1] and against it as such your Petitioners feel it their duty to enter their respectful protest. Petitioners venture to think that such a measure in a British Colony would give an opportunity to those Powers, which are jealous of the British power and trade, to justify the vexatious quarantine rules that they are adopting.

As to the Trading Licenses Bill, your Petitioners welcome it so far as it is meant to teach the communities residing in the Colony to keep their premises in a good sanitary condition and to provide proper accommodation for their clerks and servants.

But your Petitioners most earnestly though respectfully protest against the discretion being given to the Licensing

[1] *Vide* pp. 199, 201 and 240, *supra*, and pp. 326-7, *infra*.

Officer to refuse or grant a license "at his own will" and, more especially, against the clause which gives the final power to the Colonial Secretary or the Town Councils or Town Boards, as the case may be. These clauses, your Petitioners are afraid, show most clearly that the Bill is to operate against the Indian community alone. To deny a subject the right to appeal to the highest tribunal of justice against the decisions of persons or bodies who are not unoften guided and carried away by popular feelings or prejudice would be deemed to be an arbitrary measure in any part of the civilized world; in the British Dominions, an insult to the British name and its Constitution which is rightly termed the purest in the world. Nothing, your Petitioners submit, can be more disastrous to the stability of British Rule and the feeling of security that the meanest of Her Majesty's subjects enjoy, than anything that takes away the right of the subject to ventilate his grievance, supposed or real, before the highest tribunals of justice in the British Dominions, which have, under the severest trials, vindicated their fame for absolute impartiality. Your Petitioners, therefore, humbly submit that, no matter what this Honourable House decides with regard to the Bills, it will unanimously reject the clause under consideration.

The clause in the Immigration Restriction Bill, with regard to the form to be filled in in European character[1] makes it a class Bill and the requirement is, in your Petitioners' humble opinion, unjust to the Indian community. In the interests of the present Indian population, your Petitioners submit that the clause requires amending. For, most of the well-to-do Indians draw upon India for domestic servants who retire at the end of a certain number of years and are replaced by others. That process does not add to the number of Indians in the Colony and yet is beneficial to the Indians. Such servants could not possibly know

1 *Vide* section 3(a), p. 340, *infra*, and for the form, Schedule B, p. 343, *infra*.

English or any other European language. They do not come into competition with the Europeans in any way whatever. Your Petitioners, therefore, submit that for this, if for no other reason, the clause should be altered so as not to affect the Indians of that class. The £25 clause is also objectionable on the same principle.[1] Your Petitioners submit that the interests of the present Indian population of the Colony should, in such matters at any rate, be sympathetically considered.

As to the Bill for the protection of Uncovenanted Indians,[2] your Petitioners are deeply thankful to the Government for their good intentions, especially because the Bill owes its origin to a certain correspondence between the Government and certain members of the Indian community with reference to the matter. But the effect of the favour done by the Government will be absolutely neutralised by the 5th clause[3] which exempts those who may arrest free Indians, not having the pass mentioned in the 2nd clause, from liability to action for damages for wrongful arrest. It was only when an officer showed over-zeal in making arrests that the trouble arose.[4] Your Petitioners think that simple instructions to officials to carry out the clause 31 of Law 25 of 1891 would have been sufficient. The Bill, on the other hand, gives a license to the police to arrest Indians being without passes with impunity. Your Petitioners may mention that the mere taking out of the pass does not render the holder free from vexation. To carry it on the person is not always possible. Instances are on record when Indians, having left their

[1] The financial qualification in section 3(b), p. 242, *supra*, was later substituted by a clause concerning 'paupers', *vide* p. 340, *infra*.

[2] *Vide* pp. 293-4 and pp. 337-8; *infra;* and for the text of the Bill as adopted, pp. 345-6, *infra*.

[3] The provisions referred to are contained in clause 4 of the Act; *vide* p. 346, *infra*.

[4] The reference is, evidently, to the case of the Indian lady described at p. 10, *supra*, in which she was awarded damages for wrongful arrest.

houses without passes for a short time, have been arrested through the over-zeal of officers. Your Petitioners submit that the Bill, therefore, instead of protecting the Indian community, will, because of the clause 5 thereof, render them liable to indignity oftener than usual. Your Petitioners, therefore, trust that this Honourable House would so alter or amend the measure as to be a real benefit to the Indian community as it is no doubt intended to be.

In conclusion, your Petitioners may be allowed to repeat that their main objection to the first three Bills is that the evil which they are intended to check does not exist and, therefore, pray that before considering those Bills this Honourable House would order that a census may be taken of the free Indian population of the Colony, an estimate of the annual increase during a certain number of years be taken, and an enquiry be instituted to ascertain whether the presence of the Indian population is detrimental to the interests of the Colony at large.

And that the clause 5 of the Bill for the Protection of Uncovenanted Indians may be expunged therefrom or grant such other relief as it may think fit.

And for this act of mercy and justice, your Petitioners, as in duty bound, shall for ever pray, etc., etc., etc.

(Sd.) Abdul Karim Dada & Co.

Pietermaritzburg Archives, Reference NPP, Volume 656, Petition 6.

33. LETTER TO COLONIAL SECRETARY

This letter is part of the correspondence between Gandhiji and the Natal Government released by him to the Press on April 6, 1897.

DURBAN,
March 26, 1897

TO
THE HONOURABLE THE COLONIAL SECRETARY
MARITZBURG

SIR,

I have the honour to draw your attention to a dispatch of His Excellency the Governor, addressed to the Right Honourable the Secretary of State for the Colonies,[1] printed in today's *Mercury*, wherein he states as follows:

"I learn that Mr. Gandhi in coming ashore at so inopportune a moment, when ill-advised persons were angry at the peaceful issue of the demonstration and before passions had had time to cool, acted on advice which he now admits to have been bad."[2]

[1] The dispatch contained the following reference to the incident of January 13, 1897, mentioned at p. 175, and p. 210, *supra* : "Mr Gandhi, a Parsee (*sic*) lawyer, who has been prominent in the agitation which took place amongst the Indians against the recent franchise legislation, and is the author of a pamphlet on the subject of the Indians in South Africa, some statements in which have been much resented here, landed not at the regular landing place, but within the limits of the Borough of Durban, and was recognised by some disorderly persons who mobbed him and ill-treated him." Then followed the paragraph quoted by Gandhiji above which concluded with the words : "and accepts the responsibility of his action in the matter." (*The Natal Mercury*, 26-3-1897).

[2] *Vide* p. 210, *supra*. The actual advice tendered by Mr. Laughton, legal adviser to the Shipping Company, who later escorted Gandhiji to the shore, was that : "I do not think there is any fear of anyone hurting you. Everything is quiet now. The Whites have all dispersed. But in any case I am convinced that you ought not to enter the city stealthily." (*The Autobiography*, p.191).

As I have always considered, and still consider, the advice upon which I acted was excellent, I would be glad if His Excellency would inform me upon what foundation he made the above statement.[1]

I have the honour to be, etc.,
M. K. GANDHI

The Natal Mercury, 8-4-1897

34. PETITION TO NATAL COUNCIL[2]

March 26, 1897[3]

TO

THE HONOURABLE THE PRESIDENT AND MEMBERS OF THE HONOURABLE THE LEGISLATIVE COUNCIL OF THE COLONY OF NATAL, IN PARLIAMENT ASSEMBLED, PIETERMARITZBURG

THE PETITION OF THE UNDERSIGNED, REPRESENTING THE INDIAN COMMUNITY IN THIS COLONY

HUMBLY SHEWETH,

That your Petitioners humbly venture to approach the Honourable House with regard to the Bill for Protection of Uncovenanted Indians[4] now before you for consideration. Your Petitioners are deeply thankful for the good intentions of the Government in introducing the Bill, especially as it seems to be a result of certain correspondence that passed between the Government and certain members of the

[1] *Vide* p. 303, *infra*.

[2] The text of this petition is virtually identical with that portion of the petition to the Assembly dated, March 26, which related to the Bill for the Protection of Uncovenanted Indians; *vide* p. 290, *supra*, and the footnotes.

[3] This is the date of the petition (S. N. 2354) though it was presented on March 30.

[4] *Vide* pp. 337-8, and for the text of the law, pp. 345-6, *infra*.

Indian community. But your Memorialists are afraid that the good effect of the Bill will be absolutely neutralised by the clause thereof which renders any officer, who may arrest an Indian for being without a pass, exempt from any liability for an action for damages for wrongful arrest. It was only when an officer showed over-zeal in putting Section 31 of Law 25 of 1891 in operation that any trouble or inconvenience arose. Simple instructions, therefore, to the Police Officers to be considerate in enforcing the Law might, in your Petitioners' humble opinion, have minimised the inconvenience. Under the present Bill, the inconvenience will, it is feared, increase, because the mere taking out of the pass under it does not free the holder from liability to arrest. It has to be carried on the person, a thing that is not always easy to do. Instances are on record when Indians not far from their homes have been arrested for being without a pass and put to a great deal of annoyance. Such cases, if the fifth clause of the Bill is to remain, are likely to happen oftener than before. And since the Bill has been introduced in the interests of the Indian community, your Petitioners submit that the feelings of that community should receive some consideration. Your Petitioners, therefore, humbly pray that the fifth clause of the Bill be expunged therefrom, or that this House may grant such other relief as may be considered fit and proper. And for this act of justice and mercy, your Petitioners, as in duty bound, will ever pray etc., etc., etc.[1]

Extract from the Minutes of the Proceedings of the Natal Legislative Council, 30th March, 1897.

Colonial Office Records: No. 181, Vol. 42; also Archives at Pietermaritzburg, NPP Volume 656, Petition 6.

[1] The printed copy in the Colonial Office Records bears no signature.

35. THE POSITION OF INDIANS IN NATAL

Gandhiji sent copies of his important memorial to Mr. Chamberlain, dated March 15, 1897, to a number of prominent public men in England with the forwarding letter given below. Apart from seeking to influence public opinion in favour of the South African Indians, he had evidently in mind the Colonial Premiers' Conference which was due to meet later in the year in London.

WEST STREET
DURBAN (NATAL),
March 27, 1897[1]

SIR,

We, the undersigned representing the Indian community in Natal, hereby request the favour of your giving attention to the memorial herewith enclosed, addressed to the Right Honourable Mr. Joseph Chamberlain, which deals with the now all-absorbing Indian question in Natal. It is our sincere hope that the importance of the subject will fully compensate for its length, and that, therefore, it will not deter you from perusing the memorial.

The Indian question in this Colony has reached the critical point. It affects not only Her Majesty's Indian subjects residing in the Colony, but the whole population of India. It is pre-eminently Imperial in its aspect. "May they or may they not," as *The Times* puts it, "go freely from one British possession to another, and claim the rights of British subjects in allied States?" European Natal says they shall not, so far as she is concerned. The memorial discloses a sad tale of oppression because of this attitude of Natal.

[1] This is the date when the letter was written and kept ready to accompany the memorial handed over to the Governor of Natal on April 6, 1897. *Vide* footnote at p. 184, *supra*.

There is shortly to be a Conference of Premiers of the British Colonies, in London, where the question how far, if at all, will the Colonies be allowed to legislate to the prejudice of the Indians, without such legislation applying to the Europeans, is to be discussed by Mr. Chamberlain with the Premiers. It, therefore, becomes necessary for us to lay before you briefly our position in Natal.

The following are some of the legal disabilities the Indians at present labour under in the Colony:

1. The Indians, unlike Europeans, cannot be out after 9 P.M., unless, practically, they can produce a pass.[1]

2. Any Indian is liable to arrest at any time of the day unless he can show a pass to the effect that he is a free Indian. (The complaint herein is particularly against the manner in which the law is applied.)

3. Indians, unlike Europeans, when driving cattle must be provided with certain passes.

4. A bye-law in Durban provides for the registration of Native servants and Indian servants who are described as "others belonging to the uncivilized races of Asia".

5. An indentured Indian, when he becomes free, must either return to India, his passage being paid for him, or pay an annual poll-tax of £3 as the price of permission to live as a somewhat free man in the Colony.[2] (The London *Times* describes this condition as one "perilously near to slavery".)

6. Indians, unlike Europeans, in order to be entitled to the Franchise, must prove that they belong to a country "possessing elective representative institutions founded on the Parliamentary Franchise,"[3] or, must receive an order of exemption from the Governor-in-Council.

1 For the pass laws and the manner of their operation *vide* pp. 9-13, *supra;* also Vol. I, pp. 294-9.

2 *Vide* Vol. I, p. 212, and for a detailed discussion of the law, ibid, pp. 212-30.

3 ibid, p. 312 and p. 325.

(This law was passed last year after the Indians had been in possession of the Franchise right under the General Franchise law of the Colony till then, and that law requires that the candidate voter being an adult male, and not being a native of South Africa, must possess immovable property worth £50, or must be paying an annual rental of £10).[1]

7. The Government High Schools are closed against Indian students, no matter what their abilities, character, and standing.

The following is the statement of legislation to be passed during the present session of the local Parliament :

1. The Governor is to receive the power to refuse to allow any person coming from an infected port to land at all in the Colony, even though such person may have transhipped at some other port.[2] (The Premier, in moving the second reading of this Bill, said that it would enable the Natal Government to arrest the immigration of free Indians to the Colony.)

2. The Town Councils and the Town Boards are to be empowered to refuse or grant trading licenses at their discretion,[3] their decisions not being subject to review by the highest tribunal of justice in the land. (The Premier, in moving the second reading of this Bill, said that such power was to be given so that the trading licenses may be withheld from the Indians.)

3. Immigrants are to be required to fulfil certain conditions, e.g., to have property worth £25,[4] to be able to fill in a form in some European language, the unwritten understanding, according to the Premier, being that these conditions are not to be enforced against the Europeans.

[1] *Vide* Vol. I, pp. 329 and 331.

[2] Quarantine Law : *vide* p. 240 *supra*, and pp. 325-7 and pp. 338-9, *infra*.

[3] *Vide* p. 344, *infra*.

[4] The provision regarding the property qualification was later replaced by a clause which disqualified "paupers". *Vide* Section 3(b) p. 340, *infra*.

(The Government have stated that these measures would be temporary, and that, after the Conference hereinbefore referred to, they may be able to bring in such Bills as would apply to Indians or Asiatics exclusively, and thus, admit of more drastic restrictions and dispense with mental reservations and partial operation.)

4. A pass system is to be established in order to protect free Indians from the unpleasantness of an arrest, and officers arresting Indians without passes are to be exempt from liability to answer any claim for wrongful arrest.[1] The following proposals for further Anti-Indian legislation have been laid before the Natal Government:

1. The Indians should not own landed property.

2. Town Councils should be empowered to compel Indians to reside in prescribed locations.

According to the present Premier, Indians in Natal must for ever be and remain "hewers of wood and drawers of water", and that "they must not form part of the South African nation which is going to be built up". We may state that the prosperity of Natal is admitted to depend mainly upon indentured labour from India, and yet, it is Natal which denies freedom to the Indian settler.

Such is, moreover, the position of the Indians, more or less, throughout South Africa. If the Indians are to be denied freedom of intercourse with the British Dominions and allied States, there will be an end to Indian enterprise. Just when, as *The Times* says, Indians, setting aside their long cherished prejudices, are beginning to show an inclination to emigrate for purposes of trade, etc., the Colonies are endeavouring to shut them out. If this is allowed by the Home Government, and, therefore, by the Imperial Parliament, it will, in our humble opinion, be a grave infringement of the gracious Proclamation of 1858, and would deal a death-blow to Imperial federation, unless the Indian Empire is outside its pale.

[1] *Vide* p. 346, *infra*.

We venture to think that the above facts by themselves are sufficient to induce you to extend your unreserved support to our cause.

We remain, Sir,
your obedient servants,
ABDUL CARIM HAJEE ADAM
(DADA ABDOOLLA & CO.)
AND FORTY OTHERS

From the photostat of the printed copy: S. N. 2159.

36. LETTER TO F. S. TALEYARKHAN

CENTRAL WEST STREET,
DURBAN (NATAL),
March 27, 1897

DEAR MR. TALEYARKHAN,

I thank you for your two letters, the last of which was received this week. I am sorry I am unable to write a long letter for want of time. The Indian question almost wholly occupies my attention. The memorial to Mr. Chamberlain on the recent events will be ready next week.[1] I shall then send you a few copies. It will give you all the necessary information.

The Natal Parliament is sitting now and has three anti-Indian Bills before it. As soon as the result is known, I shall write to you with reference to your kind proposal for the propaganda in London. It is a question whether it would be advisable, in the present state of public feeling, for you to land in Natal as a public man. Such a man's life in Natal is, at present, in danger. I am certainly glad that you did not accompany me. The quarantine regulations,

[1] *Vide* footnote at p. 184, *supra*.

too, have been specially framed to prevent any more Indians from coming.

I am,
yours sincerely,
M. K. GANDHI

From the original; courtesy: R. F. S. Talyarkhan.

37. LETTER TO SECRETARY FOR ZULULAND

BEACH GROVE, DURBAN
April 1, 1897

THE SECRETARY TO HIS EXCELLENCY
THE GOVERNOR OF ZULULAND,
PIETERMARITZBURG

SIR,

May I ask whether the Right Honourable the Secretary of State for the Colonies has sent any reply to the memorial with regard to the Nondweni and Eshowe Townships Regulations.[1]

I have &c.,
M. K. GANDHI

India Office Library. Reference: Judicial and Public Files 1897, Volume 467, No. 2536/19177.

1 These Regulations prevented Indians from owning or acquiring property in the Nondweni and Eshowe Townships. The memorial was submitted to the Secretary of State for the Colonies on March 11, 1896. *Vide* Vol. I., pp. 292-4, 299-300 and 303-7.

38. TO PUBLIC MEN IN INDIA

Gandhiji sent copies of the memorial to Mr. Chamberlain, dated March 15, 1897, to a number of public men in India also, with the covering letter given below.

DURBAN (NATAL),
April 2, 1897

Sir,

I beg to send a copy of the memorial[1] to Mr. Chamberlain with regard to the recent anti-Indian Demonstration. The approaching Conference of the Colonial Premiers in London, to discuss this among other questions, renders it absolutely necessary that the Indian side of the question should be represented as strongly as possible. I know that the famine and plague absorb the attention of public men in India. But, since this question is now awaiting final decision, I venture to think it should receive the fullest attention of the public men. Emigration is one of the antidotes against famine. And the Colonies are now endeavouring to stop it. Under the circumstances, I submit that the matter deserves the most earnest and immediate attention of the public men in India.

You will be pleased to learn that the Indian community have subscribed over £1130 to the Indian Famine Fund.

I remain,
yours obediently,
M. K. GANDHI

From the photostat of the cyclostyled original: S. N. 2210.

[1] *Vide* p. 184, *supra*.

39. LETTER TO F. S. TALEYARKHAN

DURBAN,
[*April 6, 1897*][1]

DEAR MR. TALEYARKHAN,

I am sending you the petition today and other papers. There is hardly time to write more. The question has assumed such a serious phase that the whole [of] India should rise up against the disabilities that are being placed upon the Indians. *Now* is the time or it will be *never*. And the decision of the question with regard to Natal will be applicable to all the Colonies. Why could not the public associations inundate the India Office with memorials protesting against the ill-treatment ? The opinion is unanimous. To secure justice action alone is necessary.

Yours sincerely,
M. K. GANDHI

State immigration, at any rate, may be stopped, if nothing more can be done.

M. K. G.

From the original; courtesy : R. F. S. Talyarkhan.

[1] The letter was written on the reverse of the circular letter dated April 2, 1897 (*vide* p. 301, *supra*) and was presumably written on April 6, 1897, when Gandhiji handed over the petition to the Governor of Natal. *Vide* footnote at p. 184, *supra*.

40. LETTER TO COLONIAL SECRETARY

DURBAN,
April 6, 1897

TO

THE HONOURABLE THE COLONIAL SECRETARY
MARITZBURG

SIR,

I have the honour to acknowledge your letter of 31st ultimo,[1] wherein you inform me that information cannot be given me as to the authority on which the paragraph in the Governor's dispatch referred to by me was written, but that a copy of my letter and of your reply will be forwarded by His Excellency for the information of the Right Honourable the Secretary of State for the Colonies.

In reply, I venture to think that, if the information has been derived from any statement made by me, I should be informed thereof. I cannot but most respectfully express my concern that His Excellency should have forwarded to the Right Honourable the Secretary of State such information without reference to me as to its accuracy.

I am sending a copy of this correspondence to the Press.

I have the honour, &c.
M. K. GANDHI

The Natal Mercury, 8-4-1897

[1] For Gandhiji's letter to which this was the reply, *vide* p. 292, *supra*.

41. LETTER TO SECRETARY FOR ZULULAND

DURBAN,
April 7, 1897

TO

W. E. PEACHEY ESQ.,
SECRETARY FOR ZULULAND,
PIETERMARITZBURG

SIR,

I have the honour to acknowledge the receipt of your letter of the 6th instant, informing me that His Excellency the Governor has received instructions from the Secretary of State for the Colonies to issue certain amended Regulations with reference to the sale of Erven in Zululand.

I have &c.
(Sd.) M. K. GANDHI

India Office Library. Reference: Judicial and Public Files 1897, Volume 467, No. 2536/19177.

42. THE INDIAN QUESTION

DURBAN,
April 13, 1897

TO

THE EDITOR
The Natal Mercury

SIR,

As this will be my first contribution,[1] after my return from India, on the Indian question, and a great deal has been said about me, much as I would like to avoid it, it seems to be necessary that I should say a few words on the

[1] The reference is to contributions to the Press.

matter. The following charges have been laid against me: (1) That I blackened the character of the Colonists in India, and made many mis-statements;[1] (2) that there is an organisation under me to swamp the Colony with Indians;[2] (3) that I incited the passengers on board the *Courland* and *Naderi* to bring an action against the Government for damages for illegal detention;[3] (4) that I have political ambition, and the work I am doing is done in order to fill my pocket.

As for the first charge, I believe I need not say anything since you have absolved me from it.[4] I venture, however, to deny formally that I ever did anything to merit it. As to the second, I repeat what I have said elsewhere, that I have no connection with any organisation, nor, so far as I know, is there any organisation to swamp the Colony with Indians. As to the third, I have denied and again deny most emphatically that I incited a single passenger to bring an action for damages against the Government. As to the fourth, I may state that I have no political ambition whatever. Those who know me personally know well in what direction my ambition lies. I do not aspire to any Parliamentary honours whatever, and, though three opportunities passed by, I deliberately refrained from getting myself placed on the Voters' List. I receive no remuneration for the public work that I am doing. If the European Colonists can believe me, I beg to assure them that I am here, not to sow dissensions between the two communities, but to endeavour to bring about an honourable reconciliation between them. In my humble opinion, much of the ill-feeling that exists between the two communities is due to misunderstanding of each other's feelings and actions. My office, therefore, is that of an humble interpreter between them.

1 The reference is to alleged mis-statements in the Green Pamphlet.
2 *Vide* pp. 358, 364 and 366, *infra*.
3 *Vide* pp. 162, 212, and 214, *supra*.
4 *Vide* p. 281, *supra*.

I have been taught to believe that Britain and India can remain together for any length of time, only if there is a common fellow-feeling between the two peoples. The greatest minds in the British Isles and India are striving to meet that ideal. I am but humbly following in their footsteps, and feel that the present action of the Europeans in Natal is calculated to retard, if not altogether to frustrate, its realisation. I feel, further, that such action is not based on good grounds, but rests on popular prejudice and preconceived notions. Such being the case, I venture to trust that, however much the European Colonists may differ from the above opinion, they would be gracious enough to show a spirit of toleration thereof.

There are several Bills[1] before the Natal Parliament prejudicially affecting the interests of the Indians. They are not supposed to represent final legislation with regard to the Indians, but the Honourable the Prime Minister has stated that more stringent measures may be adopted after the forthcoming Conference of the Colonial Premiers has taken place. This is a gloomy outlook for the Indians, and if, in order to avert it, they put forth all the legitimate resources at their disposal, I venture to think that they should not be blamed. It seems that everything is being hurried on as if there was any danger of thousands of Indians of all sorts and conditions pouring into Natal.[2] I submit that there is no such danger and the late quarantine[3] would serve as an effective check, if there was any. The suggestion that there should be an inquiry as to whether the Indian is an evil or a benefit to the Colony has been pooh-poohed and an opinion expressed that he who has

1 The Quarantine, Dealers' Licenses, Immigration Restriction and Protection of Uncovenanted Indians Bills.

2 Speaking in Parliament, on March 27, the Natal Premier referred to a systematic plan to overrun the country with free Indian immigrants. (S. N. 2171).

3 The reference is to the quarantine of the *Courland* and the *Naderi*.

eyes can see how the Indians are ousting the Europeans in every direction. With deference, I beg to differ. The thousands of free Indians, apart from the indentured, who have developed the large estates in Natal and given them a value, and turned them from jungles into productive soil, I am sure you will not call an evil to the Colony. They have not ousted any Europeans; on the contrary, they have brought them prosperity and considerably increased the general wealth of the Colony. Will the Europeans—can they ? — perform the work done by those Indians ? Have not the Indians very much helped to make this the Garden Colony of South Africa ? When there were no free Indians, a cauliflower sold at half-a crown; now, even the poorest can buy it. Is this a curse ? Has the working man been injured in any way thereby ? The Indian traders are said to "have eaten into the very vitals of the Colony". Is it so ? They have made it possible for the European firms to extend their business in the way they have done. And these firms, because of this extension, can find employment for hundreds of European clerks and book-keepers. The Indian traders act as middlemen. They begin where the Europeans leave. It is not to be denied that they can live cheaper than Europeans; but that is a benefit to the Colony. They buy wholesale from European stores, and can sell with a trifling addition to the wholesale prices, and are thus a benefit to the poor Europeans. It might be said in answer to this, that the work now done by the Indian storekeepers could be done by Europeans. This is a fallacy. The very Europeans who are now wholesale dealers would be retail dealers but for the presence of the Indian store-keepers, except in isolated instances. The Indian store-keepers have, therefore, raised the Europeans a stage higher. It has, further, been said that, in time to come, Indians may usurp the wholesale trade also from the Europeans. This supposition is not borne out by facts, because the wholesale prices in Indian and European stores are, if not exactly, almost the same,

thus showing the competition in the wholesale lines cannot by any means be said to be unfair. The cheaper living of the Indian is not an important factor in determining the wholesale prices, because the cheaper living of the one is counter-balanced by the more methodical business habits and the mercantile "home connections" of the other. It is objected, on the one hand, that the Indians buy landed property in Natal and, on the other, that their money does not circulate in the Colony but goes to India, because "they wear no boots, no European-made clothing, and send their earnings to India", thus constituting a terrible drain on the Colony. These two objections completely answer each other. Assuming that the Indians wear no boots and European-made clothing, they do not send the money thus saved to India, but invest it in buying landed property. What, therefore, they earn with one hand in the Colony they spend with the other. All, then, that the Indians send to India can only be a portion of the interest in the shape of rents received from such property. The purchase of landed property by the Indians is a double benefit. It increases the value of land, and gives work to the European builders, carpenters, and other artisans. It is a mere chimera to say that the European workmen have anything whatever to fear from the Indian community. There is absolutely no competition between the European artisans and the Indian, of whom there are very few, and the few are indifferent workmen. A project to import Indian artisans to construct an Indian building in Durban failed. No good Indian artisans would come to the Colony. I do not know of many Indian buildings which have been constructed by Indian artisans. There is a natural division of work in the Colony, without any community encroaching upon the work of the other.

If there is any reason whatever in the views put forward above, I beg to submit that legislative interference is unjustifiable. The law of supply and demand will naturally regulate

the supply of free Indians. After all, if the Indian is really a canker, the more dignified course, since it has been admitted that the Indians can thrive because of the European support, will be that such support should be withdrawn. The Indians, then, may fret awhile, but cannot legitimately complain. But, it should appear unfair to anybody that legislation should interfere with the supported on the complaint of the supporters. All, however, I venture to claim on the strength of the above argument is that there is sufficient in it to justify the inquiry hereinbefore suggested. No doubt there would be the other side of the question. If there was an inquiry, both sides could be thoroughly thrashed out, and an unbiassed judgment obtained. Then there would be some good material for our legislators to go on with, and for Mr. Chamberlain to guide him. The opinion pronounced 10 years ago by a Commission of Inquiry, consisting of Sir Walter Wragg and other Commissioners, is that the free Indian is a benefit to the Colony. That is the only reliable material[1] at present before the legislators, unless it is proved that the conditions during the last 10 years have so far changed as to prevent them from accepting that opinion. These, however, are local considerations. Why should not Imperial considerations also guide the Colonist ? And if they should, then, in the eye of the law, the Indian is to have the same rights as all other British subjects. India benefits hundreds of thousands of Europeans; India makes the British Empire; India gives an unrivalled prestige to England; India has often fought for England. Is it fair that European subjects of that Empire in this Colony, who themselves derive a considerable benefit from Indian labour, should object to the free Indians earning an honest livelihood in it ! You have said that the Indians want social equality with the Europeans; I confess I do not quite understand the phrase; but I know that the

[1] For the findings of the Commission *vide* Vol. I, pp. 222-3, 275-7 and 278-9; also pp. 236-7 *supra*.

Indians have never asked Mr. Chamberlain to regulate the social relations between the two communities; and so long as the manners, customs, habits, and religions of the two communities differ, there will, naturally, be a social distinction. What the Indians fail to understand is, why that difference should come in the way of the two living cordially and harmoniously in any part of the world without the Indians having to accept a degradation of their status in the eye of the law. If the sanitary habits of the Indian are not quite what they ought to be, the Sanitary Department can, by strict vigilance, effect the needed improvement. If Indians have not got decent-looking stores, licensing authorities can soon turn them into decent-looking ones. These things can only be done when European Colonists, as Christians, look upon the Indians as brethren, or, as British subjects, look upon them as fellow-subjects. Then, instead of cursing and swearing at the Indians as now, they would help them to remove any defects that there may be in them, and thus raise them and themselves also in the estimation of the world.

I appeal to the Demonstration Committee,[1] who are supposed more particularly to represent the working men. They now know that the *Courland* and *Naderi* did not bring 800 passengers for Natal, and that, in what they did bring, [there] was not a single Indian artisan.[2] There is no attempt on the part of the Indians "to put the Europeans in the kitchen, and to become masters themselves".[3] The European working man can have no complaint against the Indian. Under the circumstances, in my humble opinion, it behoves them to re-consider their position, and direct the energy at their disposal in such channels that all sections of Her Majesty's subjects in the Colony may live in harmony and peace, instead of under a state of excitement and friction.

[1] *Vide* footnote 2 on p. 154, *supra*; also, p. 202 and p. 209, *supra*.

[2] *Vide* p. 162, *supra*.

[3] *Vide* p. 198, *supra*.

Information has appeared in the papers that a gentleman is shortly to proceed to England on behalf of the Indians, and the evidence against the Colony is being collected. In order that there may be no misunderstanding about the matter, I may state that, in view of the approaching Conference, a gentleman is going to London on behalf of the Indian community in South Africa, to place the Indian side of the question before their sympathisers and the general public, as also, if necessary, Mr Chamberlain.[1] He is to receive no remuneration for his services but passage and expenses. The statement that evidence is being collected against the Colony is very ugly and, unless it were true, could only be made by a person writing under an assumed name. The gentleman in question will certainly be put in possession of all the information about the Indian question in South Africa, but, that appears in the papers already published. The Indians never have wished, and do not now wish, to make out a charge of brutality or general bodily ill-treatment by the Europeans towards them. Nor do they wish to make out that the treatment of the indentured Indians in Natal is worse than elsewhere. Therefore, if collecting evidence against the Colony is meant to convey some such impression, it is a groundless statement.

Yours &c.,
M. K. GANDHI

The Natal Mercury, 16-4-1897

[1] The reference is to M. H. Nazar, who was sent to England and did valuable work there to inform public opinion about the problems of the South African Indians; *vide* Vol. I, pp. 138 and 386.

43. LETTER TO FRANCIS W. MACLEAN

WEST STREET,
DURBAN,
May 7, 1897

TO
THE HONOURABLE
SIR FRANCIS W. MACLEAN, KNT.
CHAIRMAN OF THE CENTRAL FAMINE RELIEF COMMITTEE
CALCUTTA

SIR,

As soon as your telegram addressed to the Mayor of Durban asking for subscriptions to Famine Fund was published in the papers the Indian Community in Durban deemed it their duty to open a Subscription List, and circulars in English, Gujarati, Hindi & Tamil were forthwith issued,[1] copies of which we venture to enclose herewith.

When, however, His Lordship the Mayor of Durban opened the General subscription, we decided to send the collections to the general list.

The collections have been made by special workers from all parts of the Colony of Natal and in some cases, even outside Natal.

The total collections up-to-date in the hands of the Mayor amount to £1535-1-9, of which over £1194 have been received from the Indians.

We herewith enclose a list of subscribers to the extent of 10/- upward and venture to suggest that the list should be published in the chief Indian Dailies.

[1] *Vide* pp. 178-80, *supra*.

We are grateful for the telegram of thanks received through the Mayor of Durban. Our feeling is that we have done nothing more than our duty. We only feel that we could not do more.

We have the honour to remain,
DADA ABDOOLLA & CO.
ON BEHALF OF THE INDIAN COMMUNITY

From the photostat of a copy in Gandhiji's hand: S. N. 2317.

44. LETTER TO A. M. CAMERON

53A, FIELD STREET,
DURBAN, NATAL,
May 10, 1897

DEAR MR. CAMERON,

I had your two kind letters. Owing to my wife being in childbed & pressure of office work I regret to say I was unable to reply to your first letter earlier.

Yes Mr. Ray has gone. When we heard that the conference of the premiers was going to discuss this question in London we decided to send somebody. Mr. Ray volunteered. He gets no *fees*. His passage and expenses will be paid by the Congress.

After the recent work in India[1] it is difficult to induce the people to believe that much more can be done at present in India.

Much of what appears in the papers with regard to the proposed Indian Press[2] is true & I thought of you in connection therewith before the receipt of your kind letter. If it becomes an established fact I shall correspond with

[1] Gandhiji was evidently referring to his own work there in 1896. Ray was sent to mobilize afresh public opinion in India.

[2] *Vide* footnote 2, p. 183, *supra*.

you further on the matter. Any hints you can offer will be valued.

I am,
yours truly,
M. K. GANDHI

A copy of the memorial re. Demonstration was forwarded you on Saturday.

A. M. CAMERON ESQ.
P. M. BURG

From the photostat of the original letter, CW. 1080; courtesy: Maharaja Prabirendra Mohan Tagore.

45. LETTER TO THE BRITISH AGENT[1]

PRETORIA,
May 18, 1897

HIS HONOUR THE BRITISH AGENT
PRETORIA

SIR,

With reference to the interview you were good enough to grant with reference to the British Indians in this Republic, whereat I ventured to submit that, in the event of a test case being brought by the Indian community here as to the interpretation of the Law No. 3 of 1885,[2] the expenses should be paid by Her Majesty's Government, I have to request you on behalf of the deputation to telegraph to the Right Honourable the Secretary of State for the Colonies as to whether Her Majesty's Government would defray the cost of the conduct of the case. The following are the grounds for such request:

1. The test case has been rendered necessary owing to the award of the Chief Justice of the Free State and

[1] *Vide* Vol. I (1st print), pp. 323-4. There was a mistake in the year in the original printed copy of the document available in the Colonial Office Records. It is now established that it relates to 1897 and is, therefore included in the present Volume.

[2] *Vide* Vol. I, pp. 174-5.

the arbitration was agreed to by Her Majesty's Government without reference to the feeling on the matter of the Indian community in the Transvaal whose interests were at stake, and in spite of their respectful protest as well against the choice of the arbitrator (Blue book C. 7911 of 1895, p. 35, paragraph 3).

2. The Telegraphic despatches published in the above Blue book, pp. 34 (No. 9) and 46 (Enclosure in No. 12), show that Her Majesty's Government contemplated bringing a test case. While the case will be entered in the name of a member of the Indian community, it is, I submit, reasonable to infer that the cost will be defrayed by Her Majesty's Government.

3. The British Indians have already incurred heavy expenses in their struggle against degradation and disabilities sought to be placed upon them in the Transvaal in spite of the protection afforded them against such degradation and disabilities by the 14th Article of the Convention of 1884, and, comparatively speaking, their pecuniary position is not such as to bear any strain put upon their purse. I venture to hope that in your telegram you would mention a summary of the grounds on which the request as to the costs is based.[1]

Personally and on behalf of the deputation you were kind enough to receive today, I beg once more to tender my thanks for the courteous manner in which you received us and the patient, sympathetic hearing you granted us.

On behalf of the deputation,

I have, etc.,

M. K. GANDHI

Enclosure in Despatch of 25th May, 1897, from H. M.'s High Commissioner in Cape Town to the Principal Secretary of State for the Colonies.

Colonial Office Records: South Africa, General, 1897.

1 The Imperial Government did not accede to this request.

46. LETTER TO ADAMJI MIYAKHAN

The Diamond Jubilee of Queen Victoria was due on the 22nd of June 1897. The Indians of Natal and the Transvaal decided to send her an Address conveying their loyalty and devotion. The Natal Address was inscribed on a silver shield and bore twenty-one signatures ending with that of Gandhiji, who had drafted it. It was presented to the Natal Governor for despatch to the Queen. The following letter to Adamji Miyakhan contained Gandhiji's instructions regarding the superscription of the Address. The text of the Address, available only in a cutting from The Natal Mercury, *is published at p. 317. A similarly worded Address was forwarded to the Queen by the Indians of the Transvaal.*

TRANSVAAL HOTEL,
PRETORIA,
May 21, 1897

DEAR MR. ADAMJI MIYAKHAN,[1]

I hope you have made the necessary arrangements for the address to Her Majesty the Queen. If it has not been already printed or engraved, please put in the following superscription. Please attend to this immediately.

"To

Her Majesty Victoria by the Grace of God of the United Kingdom and Ireland, Queen, Defender of the Faith, Empress of India,

Most gracious Sovereign and Empress

We................."

Below this should also appear "Durban, May......1897."

I do not understand why there are no letters at all from

[1] Adamji Miyakhan took charge of the Honorary Secretaryship of the Natal Indian Congress when Gandhiji left for India in June 1896, and continued in that office till June 1897.

Messrs Joseph and Lawrence. I may leave this place on Wednesday.

Yours sincerely,
M. K. GANDHI

From the photostat of the original in Gujarati: S.N. 3677.

47. ADDRESS TO QUEEN VICTORIA[1]

[Prior to *June 3, 1897*][2]

In token of our joy at the approaching completion of the 60th year of your glorious and beneficent reign, we are proud to think that we are your subjects, the more so as we know that the peace we enjoy in India, and the confidence of security of life and prosperity which enables us to venture abroad, are due to that position. We can but re-echo the sentiments of loyalty and devotion which are finding expression among all your subjects and in all parts of your vast dominions on which the sun never sets. That the God Almighty may spare you in health and vigour for a long time to come to reign over us, is our devout wish and prayer.

The Natal Mercury, 3-6-1897

1 The superscription suggested by Gandhiji in his letter to Miyakhan was omitted by the newspaper while publishing the text of the Address.

2 The exact date when the Address was forwarded for presentation is not mentioned in the records available.

48. LETTER TO COLONIAL SECRETARY

[DURBAN],
June 2, 1897

TO
THE HONOURABLE
THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

As it is the intention of the representatives of the Indian community in Natal to address a petition to the Rt. Honourable the Colonial Secretary with reference to the Indian Bills[1] of the last session, the last batch of which was published in yesterday's Gazette, I have to request you to hold over sending the Despatch[2] with reference to them to the Colonial Secretary till the receipt of the petition which now is in the course of preparation.

I have the honour to remain,
Sir,
your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives: Ref. C. S. O. 3789/97.

[1] The reference is to the Quarantine, Immigration Restriction, Dealers' Licenses and Uncovenanted Indians Protection Bills.

[2] The Despatch had, however, already been sent. *Vide* p. 325, *infra*.

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CABLE TO MR. CHAMBERLAIN

49. CABLE TO MR. CHAMBERLAIN

DURBAN,
June 9, 1897

RIGHT HONOURABLE JOSEPH CHAMBERLAIN
SIR WILLIAM HUNTER CARE *Times*
INCAS
BHOWNAGGREE
LONDON

INDIAN BILLS MENTIONED LAST MEMORIAL GAZETTED ACTS. WE HUMBLY REQUEST DEFERRING CONSIDERATION. MEMORIAL PREPARING.

INDIANS

From the photostat of an office copy in the Sabarmati Sangrahalaya: S. N. 2381.

50. INDIANS AND THE DIAMOND JUBILEE

DURBAN,
June 24, 1897

TO
THE EDITOR
The Natal Mercury

SIR,

I notice there are some inaccuracies and omissions in the report[1] published in your today's issue with reference

[1] The inaugural ceremony of the Jubilee Library was performed by the resident magistrate, Mr. J. P. Waller, and several speeches were made on the occasion. Gandhiji sent the above letter to correct the report in *The Natal Mercury*, relevant portions of which are given at pp. 320-1, *infra*.

to the opening of the Diamond Jubilee Library in Grey Street.

The report about the origin of the Diamond Jubilee Library was read not by me, but by the honorary librarian, Mr. Bryan Gabriel, who played the principal part in bringing it about. Mr J. S. Done, of the Railway Indian School, is the chairman of the Library Committee. It would seem from the report that His Worship the Mayor attached the blame for the regrettable absence of Indians from the procession to that community. I do not think he said or could mean anything of the kind. I happen to know that, no matter who is to blame for the omission, the Indian community is not.

I am, &c.,
M. K. GANDHI

The Natal Mercury, 25-6-1897.

DIAMOND JUBILEE LIBRARY

Mr. M. K. Gandhi, the Hon. Secretary, addressing the assembly, said that their reason in inviting Mr. Waller was that of requesting a representative of Her Majesty to perform the ceremony in accordance with an old Indian custom. The idea of opening a library was no new one. There was a necessity for it, and, the Natal Indian Education Association having proposed it, the proposal was adopted and a library committee was formed. Amongst other proposals to celebrate Her Majesty's Diamond Jubilee had been one to organise a gigantic procession, and [another] to build a cottage hospital, but both had been considered beyond their means. The Natal Indian Congress had pledged themselves to give a donation equivalent to what they might raise by subscription, with the result that with a subscription list amounting to £30, they had started with a fund of £60.

The library, as a token of loyalty, would be pleasing to the Queen, and it would have a vast sphere of usefulness. It would consist of about 200 books in the English language, all gifts, embracing every branch of English literature, and the institution would subscribe, in addition, to all the principal Indian and South African newspapers. The library would be open from 7 a.m. to 9 p.m. on week days....He concluded by expressing the thanks of the Indian community to Mr. Waller and Mr. Payne for their attendance. . . .

Mr. Payne declared his satisfaction in knowing of the movement, and at his invitation to be present. They heard a lot about race distinctions, but as mayor of Durban he knew none (cheers). He had an equal regard for Indians as for others. The idea of a library was a happy one, and a credit to its initiators and patrons. He felt gratified that the Indians were doing their share in honouring their Queen on this unique and unparalleled occasion. He had conferred with Dr. Booth and others about the share taken by the Indians in the day's procession, and could not help feeling disappointed in that they had taken no part in it. The members of the Council had expressed their perfect willingness and hope that they would participate. His Worship concluded by thanking them for their invitation.

. . . Mr. M. K. Gandhi again expressed his gratification in having obtained the consent of Mr. Waller, Mr. Payne, and the other Europeans to be present.

The Natal Mercury, 24-6-1897

51. INDIAN JUBILEE LIBRARY

June 25, 1897

TO

THE EDITOR
The Natal Mercury

SIR,

Many sympathisers and friends of the Indian community in Durban have expressed their resentment to the heads of that community that they did not receive the invitation to attend the opening ceremony of the Diamond Jubilee Library. I beg to state that the responsibility for omissions rests with me, though, I trust, the circumstances under which the invitations were issued would be deemed sufficient excuse for any omissions. It was not before 5 o'clock in the evening on Monday last that the invitations could be issued. The list of names was hurriedly drawn up. There was no time to show it to all the leading members. The committe, however, feel deeply grateful to such gentlemen for their anxiety to grace the occasion by their presence. The committee have also directed me to thank those gentlemen who received the cards but were unable to attend the ceremony owing to previous engagements or having received the cards too late to be present. It seems that some invitation cards did not reach their destination.

I am, &c.,
M. K. GANDHI

The Natal Mercury, 28-6-1897

52. COVERING LETTER TO PETITION

The petition to Mr. Chamberlain, dated March 15, 1897 and the petitions to the Natal Legislatures, dated March 26, having failed to secure relief from the anti-Indian legislation, a memorial was addressed to the Principal Secretary of State for the Colonies requesting him to withhold the Imperial Government's sanction to the four Acts (vide p. 324). The following is the covering letter with which it was sent to the Governor of Natal.

DURBAN,
July 2, 1897

TO

HIS EXCELLENCY THE HONOURABLE SIR WALTER FRANCIS HELY-HUTCHINSON, KNIGHT COMMANDER OF THE DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, GOVERNOR AND COMMANDER-IN-CHIEF IN AND OVER THE COLONY OF NATAL, VICE-ADMIRAL OF THE SAME AND SUPREME CHIEF OVER THE NATIVE POPULATION ETC., ETC.

P. M. BURG, NATAL

MAY IT PLEASE YOUR EXCELLENCY,

I herewith beg to send the petition[1] to Her Majesty's Principal Secretary of State for the Colonies, on behalf of the Indian Community, with reference to the Immigration Restriction, Dealers' Licenses, Quarantine and Indian Protection Acts, in triplicate, and humbly request Your Excellency to forward same with such remarks as Your Excellency may think fit to make.

(SD.) ABDOOL CARIM HAJI ADAM

From the photostat of a handwritten copy: S.N. 2429.

53. PETITION TO MR. CHAMBERLAIN

DURBAN,
July 2, 1897

TO

THE RIGHT HONOURABLE JOSEPH CHAMBERLAIN, HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES, LONDON

THE PETITION OF THE UNDERSIGNED BRITISH INDIANS REPRESENTING THE INDIAN COMMUNITY IN NATAL

HUMBLY SHEWETH:

That your Petitioners hereby respectfully venture to approach you with reference to four Indian Bills passed by the Honourable the Legislative Assembly and the Honourable the Legislative Council of the Colony of the Natal and which, having received the Governor's assent, have been gazetted as Acts. These Bills were, in the order in which they were passed respectively : the Quarantine Bill, the Immigration Restriction Bill, the Trade Licenses Bill, and the Bill to protect the Uncovenanted Indians from liability to arrest.

Your Petitioners alluded to the first three Bills[1] in their last memorial and said therein that, if these Bills passed the Natal Legislatures, they might have to approach you again with special reference thereto. It has now become your Petitioners' unfortunate duty so to do, and they confidently trust they would be excused for the trouble they have to give you, seeing that the question underlying these Bills touches the very existence of the Indian Community in Natal.

As soon as the last two of these Bills were gazetted as Acts, your Petitioners wrote to the Honourable the Colonial

[1] *Vide* pp. 240-6, *supra*.

Secretary[1] praying that the despatch of the Bills to Her Majesty's Government should be postponed till the receipt hereof; a reply from the Honourable the Colonial Secretary was received to the effect that the Bills had already been forwarded. Thereupon, the following humble telegram[2] was sent to you :

INDIAN BILLS MENTIONED LAST MEMORIAL GAZETTED ACTS. WE HUMBLY REQUEST DEFERRING CONSIDERATION. MEMORIAL PREPARING.

Copies of the four Bills mentioned are appended hereto, and marked A, B, C and D respectively.

Your Petitioners ventured to approach both the Houses of the local Parliament with reference to these Bills,[3] without avail.

Copy of the petition to the Honourable the Legislative Assembly is annexed herewith and marked (*E*)[4]. It endeavours to show that restrictive legislation for Indians is not warranted by the circumstances, and, therefore, that before embarking upon such legislation a census should be ordered to be taken of the total Indian population of the Colony and inquiry instituted as to whether the presence of the Indian in the Colony is a benefit or an evil to the Colony.

The Quarantine Bill[5] gives the power to the Governor not only to return any ship coming from infected ports without allowing her to land her passengers and cargo, but also prevent any person coming, in the first instance, from an infected port from landing in Natal, even though such person may have trans-shipped into some other boat on his way to Natal. Your Petitioners can have no objection

1 *Vide* p. 318, *supra*.

2 *Vide* p. 319, *supra*.

3 *Vide* pp. 285-91 and 293-4, *supra*.

4 The petition, without the introductory paragraph, was given in Appendix E to the present memorial, but is omitted here since it has been put in its proper chronological sequence; *vide* pp. 285-91, *supra*.

5 *Vide* pp. 338-9, *infra*.

against any Quarantine Law, no matter how severe, so long as it is meant as a protection against the introduction of infectious diseases. But the present Bill is merely a part of the anti-Indian policy of the Natal Government. As has been pointed out in the anti-Indian Demonstration Memorial, the Natal Government made a promise to the Demonstration Committee[1] that a Bill to extend the Governor's powers of imposing quarantine was under consideration. The present Bill has been looked upon as one of the Indian Bills of the session; thus, says *The Natal Mercury*, 24th February 1897, with reference to the Quarantine and other Indian Bills :

> The first three Bills published in the Gazette this week are in fulfilment of the promise of the Government that measures to deal with the question of Indian immigration would be introduced during the forthcoming session of Parliament. None of the Bills specifically relates to Asiatics and, therefore, [they] do not come under the suspensory conditions attached to such measures. They have been drafted to apply to all and sundry and certainly no fault can be found with their comprehensive character. It may be frankly admitted that the Bills are more or less of an objectionable character, but desperate diseases require desperate remedies. It is to be regretted that such measures are necessary, but that they are necessary is beyond dispute, and however disagreeable it may be to pass such legislation, it has been an imperative duty and must be undertaken. The Bill to amend the laws relating to Quarantine may be fairly termed an extraordinary measure of precaution taken in the face of plague-stricken countries. Something more than the ordinary measures are necessary if we are to secure immunity from dread diseases.

The same paper, in answering the objections to the Immigration Restriction Bill, says again in a leading article dated 30th March, 1897:

> It has been urged by those people who consider the Bill (i.e., the Immigration Restriction Bill) objectionable because it is not straightforward, that a Bill should be passed against Asiatics in particular, that we should enter upon the "long constitutional fight", and, in the meantime, we should protect ourselves with the Quarantine Act;

[1] *Vide* p. 240, *supra*.

the inconsistency of such a course is very apparent. It would imply that we were much too high-minded to be dishonest with regard to the Immigration Bill, but we had not the slightest objection to take a mean advantage of the provisions of the Quarantine Bill. To prevent the landing of Indian immigrants in Natal, on the ground that they came from a country infected with dangerous infectious disease within a thousand miles of the district they come from, is just as disingenuous as the operations under the Immigration Restriction Bill.

It is, then, because the Quarantine Bill is intended indirectly to prevent Indian Immigration to Natal that your Petitioners deem it necessary to enter their respectful protest against it. For, why should an Indian, trans-shipping into a German liner at Zanzibar bound for Natal, be prevented from landing there while other passengers may do so without difficulty? If an Indian is likely to bring an infectious disease into the Colony, so are the other passengers who have come into contact with him.

The Immigration Restriction Bill[1] provides, among other things, that any person who is a pauper and is likely to become a public charge, and cannot write out an application to the Colonial Secretary according to the form given as a schedule[2] to the Bill, shall be treated as a prohibited immigrant. Thus, an Indian, who is learned in any of the Indian languages, but does not know any European language, cannot land in Natal even though it be temporarily. Such an Indian may go to the Transvaal, a foreign territory, but may not set his foot on the Natal soil. Even in the Orange Free State, any Indian may remain for two months without having to undergo any ceremony, but he may not do so in the British Colony of Natal. This is, therefore, going further than either of the above independent States. If an Indian Prince wanted to travel round the world and came upon Natal, he would not be allowed to land there unless special permission was accorded to him. Ships on

1 *Vide* pp. 339-43, *infra*.
2 *Vide* p. 343, *infra*.

their way to Mauritius, having Indian passengers, have been calling here after the Immigration Law came into operation, and the Indian passengers are not even allowed to land and have exercise or fresh air while the ships are at anchor. By order of the Immigration Department they are kept under strict supervision, and their luggage is stored away in the hold lest they should evade the supervision, and land. In other words, British subjects, because they happen to be Indians, are practically treated as prisoners on the British soil.

It has been authoritatively stated that no Government would dream of applying the Law to the Europeans in the same manner as the Indians. In dealing with the clause 3, sub-clause (b) now modified, the Honourable the Prime Minister said as follows, on the second reading of the Bill:

> As to Immigrants being in possession of twenty-five pounds, when those words were introduced it never occurred to him that it would be applied to the Europeans. It could be so applied if the Government were foolish enough. The object, however, was to deal with the Asiatics. Some people said they liked an honest straightforward course. When a ship was heading against a wind, she had to tack, and bye and bye she accomplished her goal. When a man met difficulties, he fought against them, and, if he could not knock them over, he went round them instead of breaking his head against a brick wall.

The want of straightforwardness about the Bill has appealed to almost everyone in the Colony. The Farmers' Conference at Maritzburg, the capital of the Colony, a meeting held in the Durban Town Hall for the purpose of giving the members of the Borough an opportunity to express their opinion on the Bills, and other meetings protested against it on the ground that it was un-British; several members of the Parliament also expressed themselves strongly against it. Mr. Binns, the leader of the unformed opposition in the House of Assembly, said:

> They ought to guard against taking a purely local view of so serious a question. The Bill was not straight. It did not go straight to the point, and nothing could be more appropriate than the remark

that was made in the petition read that afternoon, that it was un-British. Nobody liked the Bill. There was not a man in all Natal that liked the Bill, and the Premier certainly did not like it. He might think that there was a necessity for it, and that the Bill should assume the form it has done. But if there was one thing clear in his speech, it was that he did not like the Bill.

Mr. Maydon, another member of the Assembly,

ventured to strongly express the opinion, and he believed the majority of the Colonists of Natal agreed with him, that rather than accept this measure, they would continue to wallow in the mire of the Asiatic immersion.

Mr. Symons, another member, said:

They could not remove the Indians in our midst, nor withdraw the privileges they possess as British subjects. Would any Englishman that called himself a statesman produce such a Bill, and expect it to pass ? The Bill was a monstrous Bill. Such a Bill was a disgrace to a British Colony; why not call it an Asiatic Restriction Bill ? They did not talk of tacking in these days of steamships, but went straight ahead.

Thus, seeing that there is no unanimity of opinion about the Bill, your Petitioners submit that their modest prayer that a census should be taken of the Indian population, and an enquiry made as to the allegation that the presence of Indians is an evil to the Colony, might have been complied with before passing such a drastic measure. Your Petitioners submit that there was absolutely no justification for the measure. It has not been proved that the number of the Indians is more rapidly increasing than the number of Europeans. On the other hand, the last report shows that, while there might have been an increase of 666 Indians during the last six months ending January,[1] the increase in the number of the Europeans was close upon 2,000. Further, the class of the Indians whom the Bill is intended to prevent from coming number about 5,000 in the Colony as against 50,000 Europeans. Also, the deliberate opinion of the Commission that sat ten years ago in Natal under

[1] *Vide* p. 235, *supra.*

the chairmanship of Sir Walter Wragg, the first Puisne Judge, stands on record, namely:

> *We are content to place on record our strong opinion based on much observation that the presence of these traders has been beneficial to the whole Colony and it would be unwise if not unjust to legislate to their prejudice.*

This is the only authoritative opinion that the local legislatures could be guided by. In the teeth of these facts, your Petitioners yet venture to trust that Her Majesty's Government would order that the inquiry of the nature above indicated be instituted before arriving at a decision as to the necessity of legislation restrictive of the freedom of the British Indians in Natal; that is, if Her Majesty's Government decide that, in spite of the Proclamation of 1858, a British Colony can legislate to the prejudice of British Indians, and if Her Majesty's Government come to the conclusion that the Proclamation does not confer any such privileges as are contended for herein, and, if they are satisfied that the number of Indians in Natal is increasing at an alarming rate, and that the presence of the Indians is an evil to the Colony, it would be far more satisfactory that a Bill specially applicable to the Indians should be introduced.

With the greatest deference, it does seem strange that, while the Transvaal Government have been compelled to withdraw their Aliens Law[1], the Natal Government have passed an Immigration Act which is far more severe than the Transvaal one.

Your Petitioners would now crave leave to give extracts from the Press, showing how the Immigration Restriction Act is viewed by the Press :

> Section 4 defines the penalties to which any prohibited immigrant, making his way into the Colony in disregard of the Act, is liable, viz., deportation and (or) six months' imprisonment. Now, we think most people will agree with us that, however necessary it may be for the Colony, for its own benefit, to impose restrictions on immigration, it is

[1] *Vide* p. 353, *infra*.

not a crime for any person to endeavour to come into the country. It is morally certain, too, that the class of persons to whom the Bill applies will, as a rule, be totally ignorant of the fact that, by entering the Colony, they are breaking any of its laws. Such a law is in a different position from the ordinary laws of the country, since it applies to people who are not under the jurisdiction of the Colony, and who have no opportunity of making themselves acquainted with its laws. It is, moreover, the duty of the officials appointed, therefore, to see that no prohibited immigrants are landed, and under these circumstances we think deportation is sufficient, and penal laws should be eliminated. A similar criticism applies to Section 5, which provides for a deposit of £100 as a sort of guarantee, to be forfeited, should the immigrants eventually prove to come under the category of "prohibited immigrants". We see no justice whatever in annexing this deposit. If he is treated as a prohibited immigrant and compelled to leave the Colony, his money should be returned. The clause imposing heavy penalties on shipmasters is only sure to provoke criticism. It virtually imposes upon the captains of vessels the duty, before leaving the port of departure, of a minute examination into the circumstances and position of everyone of their passengers. This may be necessary for the effectual operation of the law, but it nevertheless inflicts a great hardship upon the masters.

The Bill, it will be observed, applies to persons entering the Colony by land and sea. We are of opinion that it would be much less obnoxious and more easily enforced if it applied to immigrants by sea only. There is very little reason to fear any considerable influx of Asiatics by land, and the only other persons are travellers from one South African State to another, who should be as free from restriction as possible, and Natives, the greater part of whom would be excluded by the educational tests, possibly to the detriment of our labour supply. —*The Natal Advertiser*, 24-2-97.

Would it not be a reasonable position to take up to say "If you won't have the one class, you shan't have the other?" That this attitude is not an unlikely one is apparent from the tone of the Indian press. We published, a few days ago, an article from *The Times of India* which practically calls upon Natal to choose between unrestricted immigration or none at all. That may be only a local view, but we think we are not far wrong in saying that it is just the sort of answer we should give if the cases were reversed. It is not an unfair argument to say that if the Colony finds it necessary for its own benefit to exclude a certain class of Indian immigrants, it cannot complain if

the Indian Government refuses to allow it to import, also for its own benefit, another class of Indian immigrants. —*The Natal Advertiser*, 5-4-97.

We question whether any Act so drastic in its tendency, and so wide in its scope, has been adopted by any British Colony, and it is no honour to a Colony, which professes such devotion to progress and freedom as ours, to be the first to inscribe such a measure on its statute book. —*The Natal Advertiser*, 26-2-97.

It may be fairly argued that, having regard to its purpose, it is dishonest and hypocritical in principle, because its real object is not its ostensible object. It professes to be a measure to restrict immigration generally, when everybody knows that in reality it is intended to stop Asiatic immigration. —*The Natal Advertiser*, 26-2-97.

Let us try to get what we want by an honest, fair, and above-board measure, which does not seek to hide the real issues under a cloud of vague, unworkable, and un-English restrictions. Until we can do this, there is ample scope for the energies of Government, and the Colonial municipalities in carrying out local regulations which will do a good deal towards minimising the evil complained of. —*The Natal Advertiser*, 12-3-97.

The Natal Immigration Law represents one of the most contemptible tricks to which a Government and legislature could be party. —*The Star*, 20-5-97.

The session of 1897 will be known hereafter as having given birth to that most objectionable law, which in some respects is even worse than the enactment passed by the Transvaal Volksraad last year with a similar object.[1] It is within the knowledge of everyone that Mr. Chamberlain protested against the law, and that it was promptly repealed by the Volksraad. But it is certain that, if the law is good for Natal, it can scarcely be bad for the Transvaal.—*The Transvaal Advertiser*, 22-5-'97.

The new Natal law is more than a violation of this general principle. It is, in addition, a dishonest law, if the contention produced in favour of passing it is to be recognised. While its terms are of universal applicability, the Government openly admitted in the Legislature that it would only be applied to certain classes. Such a mode of securing class legislation is pernicious in the extreme. Class legislation is generally wrong or undesirable; but when a class law is passed in a shape that does not show it is meant for only one section of the community,

1 The reference is to the Transvaal Aliens Act; *vide* footnote at p. 330, *supra*.

its inherent faults become greatly intensified. It is further an act of cowardice on the part of any Parliament to shirk the consequences that may ensue from the candid adoption of a class-measure by resorting to the pretence that a law is not meant to be a class one at all. The avowed object of this Natal Immigration Restriction law is to deal with the influx of free Indians; not, be it well marked, with all Indians. Indentured 'coolies' are to be included in the same category of persons exempt from the operations of this law as, say, the Prince of Wales. Yet, as a matter of fact, the indentured coolies brought to Natal largely consist of the very lowest class of natives to be picked out of the gutters of Calcutta and Bombay. Man for man, the free Indian coming to Natal at his own expense is likely to be of a better stamp than the destitute coolie shipped across at other people's expense. But this indentured fellow-countryman of the lowest caste is to be admitted because he is a bondsman. Yet, in five years' time, the semi-slave thus allowed in can, if he chooses, demand his freedom and settle in Natal as a free Indian.—*The Star*, 10-5-'97.

The Natal Law cannot with any sense of fairness and justice be countenanced by Mr. Chamberlain after the attitude he has taken up towards a much less offensive enactment passed in this State, which is very much less within his 'sphere of influence' than Natal. —*The Star*, 7-5-'97.

The Dealers' Licenses Bill[1] is, if possible, the worst of all. It not only requires that traders should keep their books in English, but gives absolute power to the licensing authorities to refuse to issue or renew licenses without the right to the aggrieved party to appeal to the highest tribunal of justice. It is thus subversive of one of the most cherished principles of the British Constitution. Your Petitioners cannot better express their objections to the Bill than in the words of Mr. Tatham, a member of the Legislative Assembly :

He had no hesitation in saying that this Bill would establish a monopoly in favour of existing traders. Members who had discussed the Bill discussed from the point of view of the trader apart from the point of view of the consumer. One of the most disastrous courses which legislation could take was a course which had for its object the restraint of trade, and so far was this principle recognised that, by the

[1] *Vide* pp. 343-5, *infra*, for text.

common law of England, a private contract entered into between two persons was invalid if that contract could be shown to be prejudicial to the community by placing a restraint on trade. It was recognised as a principle of trade all the world over that there was nothing like competition, not only for those engaged in the competition but also for consumers. The effect of a Bill of this sort would simply enhance the profits of traders at the expense of the consumers. He dealt with this Bill, not from the point of view of its effect as an Asiatic repression Bill, but from the point of view upon which it was presented to the House. The Bill included all sections of the community, whether Europeans or Asiatics, and it contained provisions of an alarming character. It was provided that licenses would be issued by one individual, and licenses already in existence were liable to be taken away by that individual. That applied to country districts. How did it apply in towns and municipalities? Let him take Durban as an example. The Town Council might consist of a majority of persons who studied their own interests before the interests of the community, and might refuse licenses to trade in that borough. The Premier would say that these people were subject to the control of the popular vote, but how was the popular vote to be brought into operation when it was a case of one individual against the whole body.

Even the Honourable the Prime Minister found it very difficult to justify the Bill, and was not eager that it should pass. He said :

They asked that powers be given to each municipality, in excess of its present powers, to control the issuing of licenses, and there need be no hesitation in saying what their object was. It was to prevent persons who competed with Europeans from getting licenses to trade, as Europeans were required to do. This was the intention of the Bill, and, if that intention were accepted, then, of course, the second reading would pass, and then they would have to deal with details. It would not be possible to pass this Bill without appearing to take away a part of the liberty of the subject, because the subject now had a right to a license as a matter of course, and if this Bill were passed into law, the subject would no longer have the right. He would only have that right if the licensing authority thought fit to grant it. This Bill interferes with the course of law, because the Bill would be defeated in its objects if the Courts had jurisdiction. The Town Councils would be responsible to their constituents, and there

would be no appeal from their decisions, as regards the granting of licenses, to a Court of Law. The objection had been taken to this Bill that it would not allow the law to have its natural course. The answer was if they should be granted, then they would not pass this Bill; but under this measure the licensing authorities only would have this discretion (*hear*, *hear*). He thought it right to emphasise the fact that the Courts of Law would have no jurisdiction over trade licenses under this Bill. This jurisdiction would be exercised by the licensing authorities. If the Assembly thought that the Bill should go through the second reading then there would be a discussion on details in Committee. He submitted the Bill to the Assembly, and wished to point out that the main object of it was to affect those persons dealt with under the Immigration Bill. Ships would not bring these people if they knew they could not be landed, and the people would not come here to trade if they knew they could not get licenses.

Mr. Symons "opposed this Bill. He looked upon the measure as most un-English and oppressive."

It would be noticed that even hawkers, who move about with a few pounds worth of goods from place to place, would be expected to keep their books in English. As a matter of fact, they do not keep any books at all. The objection to the aggrieved party going to the highest tribunal of justice in the land seems to be based on the ground that the Licensing Officer will not be able to justify the use of his discretionary power in a court of law.

The question also arises as to what would be done with reference to renewals of licenses. Are the merchants, with hundreds and thousands of pounds worth of goods, to be called upon to shut up their businesses if the Licensing Officer thought it fit to order so ? It suggested itself to Mr. Smythe, a member of the Assembly, who moved that a year's time should be given to persons in possession of licenses, and drew the House's attention to the fact that even the Free State gave the traders reasonable time, before compelling them to close their businesses. But, unfortunately, the motion was lost.

The Natal Advertiser, 5-4-'97, thus expresses itself on the Bill:

> It is matter for regret that so many members, who boldly protested against the violation of British traditions embodied in the Immigration Bill, should have swallowed, without a grimace, the much more serious infringement of the liberty of the subject involved in the Licenses Bill. With the object of the Bill we are in thorough accord; and we do not either attach very much weight to the fears of some of the members as to the large powers granted to corporations. A very much graver danger is the negation of appeal to the courts of justice. It is only this, in fact, which could make the powers granted under the Bill dangerous. It would have been easy to frame a measure which would safeguard the interests to be protected quite as effectively as this one, without resorting to the crude and unstatesmanlike expedient of depriving persons of their right to appeal to a court of law. No urgency could justify such a provision. The Premier's argument that "there would be no discretion if the discretion was to be in the Supreme Court or any other court; they could not give discretion to a licensing authority and allow the discretion to be exercised by somebody else," is unworthy of himself and his audience. Licensing authorities under the existing law have discretion, but that does not exclude the ultimate jurisdiction of the Supreme Court. Moreover the argument is destroyed by the provision in the Bill itself which allows appeal to the Colonial Secretary. So that it actually does give discretion to a licensing authority, and then allow the discretion to be exercised by somebody else.

Your Petitioners have not attempted to discuss the details of the above Bills at length, since, in their humble opinion, the principle of the Bills is so utterly opposed to the spirit of the British Constitution, as also of the Proclamation of 1858, that it seems useless to discuss the details.

This is clear, however, that if the Bills are not disallowed, Natal would have gone much further than the Transvaal in oppressing the Indians. The Indians in virtue of the Immigration Law cannot enter Natal, except a few who are able to read and write English, though they may go to the Transvaal without any hindrance. The hawkers may not get licenses to hawk in Natal, though they can

get them as of right in the Transvaal. Under such circumstances, your Petitioners venture to trust that, if nothing else is done, Indian immigration to Natal would be stopped, and a great anomaly, (i.e.,), the fact that Natal gets all the advantage of the presence of the Indian in the Colony, while she would give none, removed.

The Bill to protect Uncovenanted Indians from liability to arrest[1] is not in answer to the anti-Indian clamour in the Colony, but has its origin in a certain correspondence that passed between the Government and some Indians. Indians that are not under indenture are sometimes arrested under the indentured Indian Immigration Law, as being deserters from their estates. To avoid this inconvenience, some Indians approached the Government with a view to get it minimised. The Government were good enough to issue a Proclamation authorising the Protector of Immigrants to issue certificates to free Indians certifying that the bearers were not indentured Indians. It was, however, meant to be a temporary measure, and the present Bill is intended to replace it. Your Petitioners recognise the good intentions of the Government in introducing the Bill; but your Petitioners are afraid that, owing to the clause 3,[2] rendering the Police, arresting any Indian for being without a pass, free from liability for wrongful arrest, takes away all the good that the Bill is no doubt intended to do, and makes it an engine of oppression. The taking out of passes is not compulsory, and it is admitted that only the poorer Indians would take advantage of the pass clause. Before, too, much trouble only arose through the over-zeal of officers in making arrests. Now, the 3rd clause gives almost a license to arrest with impunity any Indian they choose. Your Petitioners further draw your attention to the argument against the Bill as set forth in

1 *Vide* pp. 345-6, *infra*, for text.
2 This clause was put as clause 4 in the Act; *vide* p. 346, *infra*.

the memorial to the Honourable the Legislative Assembly hereinbefore referred to (Appendix E);[1] and venture to hope that the Bill will be disallowed. Instructions to the Police to use caution when making arrests under the Indenture law would have met the difficulty.

In conclusion, your Petitioners pray that the above Bills be disallowed, in virtue of the power reserved to the Crown under the Constitution Act, to disallow any Act within two years after its promulgation, or the enquiry of the nature above indicated be ordered before Her Majesty's Government refuse to disallow the above Acts or any part of them, that a definite pronouncement as to the status of the British Indians outside India be made, and that, should it not be deemed feasible to disallow the above Acts, the indentured immigration to Natal be stopped, or grant such other relief as Her Majesty's Government may think fit.

And for this act of justice and mercy, your Petitioners, as in duty bound, shall for ever pray, etc., etc.

(Sd.) ABDUL CARIM HAJI ADAM
AND OTHERS

[1] The Appendix has been omitted here, as the petition has been given at pp. 285-91, *supra*, in its correct chronological sequence.

APPENDIX A

No. 1, 1897

ACT

"TO AMEND THE LAWS RELATING TO QUARANTINE"

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:

1. Whenever any place has been proclaimed, under Law 4, 1882, as an infected place, the Governor-in-Council may, by a further Proclamation, order that no person shall be landed from any ship coming from such place.

2. Any such order shall also extend to a ship having on board passengers who have come from a proclaimed place, notwithstanding that they may have embarked at some other place, or that the ship has not touched at the proclaimed place.

3. Any such order as aforesaid shall be in force until revoked by a further Proclamation.

4. Any person who shall land in contravention of this Act, shall, if practicable, be at once returned to the ship in which he came to Natal, and the master of such ship shall be bound to receive such person on board, and to convey him from the Colony at the expense of the owners of the ship.

5. The master and owners of any vessel from which any person shall be landed in contravention of this Act shall be liable to a penalty of not less than One Hundred Pounds Sterling for each person so landed, and the vessel may be made executable by a decree of the Supreme Court in satisfaction of any such penalty, and the vessel may be refused a clearance outwards until such penalty has been paid and until provision has been made by the master for the conveyance out of the Colony of each person who may have been so landed.

6. This Act and Laws 3 of 1858, and 4 of 1882, shall be read together as one Act.

APPENDIX B

WALTER HELY-HUTCHINSON
GOVERNOR

No. 1, 1897

ACT

"TO PLACE CERTAIN RESTRICTIONS ON IMMIGRATION"

WHEREAS it is desirable to place certain restrictions on Immigration:

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:

1. This Act may be known as "The Immigration Restriction Act, 1897".

2. This Act shall not apply to:

(a) Any person possessed of a certificate in the form set out in the Schedule A to this Act annexed, and signed by the Colonial Secretary, or the Agent-General of Natal, or any officer appointed by the Natal Government for the purposes of this Act whether in or out of Natal.

(b) Any person of a class for whose immigration into Natal provision is made by law or by a scheme approved by Government.

(c) Any person specially exempted from the operation of this Act by a writing under the hand of the Colonial Secretary.

(d) Her Majesty's land and sea forces.

(e) The officers and crew of any ship of war of any Government.

(f) Any person duly accredited to Natal by or under the authority of the Imperial or any other Government.

3. The immigration into Natal, by land or sea, of any person of any of the classes defined in the following sub-sections, hereafter called "prohibited immigrant", is prohibited, namely :

(a) Any person who, when asked to do so by an officer appointed under this Act, shall fail to himself write out and sign, in the characters of any language of Europe, an application to the Colonial Secretary in the form set out in Schedule B of this Act.

(b) Any person being a pauper, or likely to become a public charge.

(c) Any idiot or insane person.

(d) Any person suffering from a loathsome or a dangerous contagious disease.

(e) Any person who, not having received a free pardon, has within two years been convicted of a felony or other infamous crime or misdemeanour involving moral turpitude and not being a mere political offence.

(f) Any prostitute, and any person living on the prostitution of others.

4. Any prohibited immigrant making his way into, or being found within Natal, in disregard of the provisions of this Act, shall be deemed to have contravened this Act and shall be liable, in addition to any other penalty, to be removed from the Colony, and upon conviction may be sentenced to imprisonment not exceeding six months without hard labour. Provided that such imprisonment shall cease for the purpose of deportation of the offender, or if he shall find two approved sureties each in the sum of Fifty Pounds Sterling, that he will leave the Colony within one month.

5. Any person appearing to be a prohibited immigrant within the meaning of Section 3 of this Act and not coming within the meaning of any of the Sub-sections (c), (d), (e), (f) of the said Section 3 shall be allowed to enter Natal upon the following conditions:

(a) He shall, before landing, deposit with an officer appointed under this Act the sum of One Hundred Pounds Sterling.

(b) If such person shall, within one week after entering Natal, obtain from the Colonial Secretary, or a Magistrate a certificate that he does not come within the prohibition of this Act, the deposit of One Hundred Pounds Sterling shall be returned.

(c) If such person shall fail to obtain such certificate within one week, the deposit of One Hundred Pounds Sterling may be forfeited, and he may be treated as a prohibited immigrant:

Provided, that in the case of any person entering Natal under this section, no liability shall attach to the vessel or to the owners of the vessel in which he may have arrived at any port of the Colony.

6. Any person who shall satisfy an officer appointed under this Act that he has been formerly domiciled in Natal, and that he does not come within the meaning of any of the sub-sections (c), (d), (e), (f) of Section 3 of this Act, shall not be regarded as a prohibited immigrant.

7. The wife and any minor child of a person not being a prohibited immigrant shall be free from any prohibition imposed by this Act.

8. The master and owners of any vessel from which any prohibited immigrant may be landed shall be jointly and severally liable to a penalty of not less than One Hundred Pounds Sterling, and such penalty may be increased up to Five Thousand Pounds Sterling by sums of One Hundred Pounds Sterling each for every five prohibited immigrants after the first five, and the vessel may be made executable by a decree of the Supreme Court in satisfaction of any such penalty, and the vessel may be refused a clearance outwards until such penalty has been paid, and until provision has been made by the master to the satisfaction of an officer appointed under this Act for the conveyance out of the Colony of each prohibited immigrant who may have been so landed.

9. A prohibited immigrant shall not be entitled to a license to carry on any trade or calling, nor shall he be entitled to acquire land in leasehold, freehold, or otherwise, or to exercise the franchise, or to be enrolled as a burgess of any borough or on the roll of any township; and any license or franchise right which may have been acquired in contravention of this Act shall be void.

10. Any officer thereto authorised by Government may make a

contract with the master, owner, or agent of any vessel for the conveyance of any prohibited immigrant found in Natal to a port in or near to such immigrant's country of birth, and any such immigrant with his personal effects may be placed by a police officer on board such vessel, and shall in such case, if destitute, be supplied with a sufficient sum of money to enable him to live for one month according to his circumstances in life after disembarking from such vessel.

11. Any person who shall in any way wilfully assist any prohibited immigrant to contravene the provisions of this Act shall be deemed to have contravened this Act.

12. Any person who shall wilfully assist the entry into Natal of any prohibited immigrant of the class (f) in Section 3 of this Act shall be deemed to have contravened this Act, and shall upon conviction be liable to be imprisoned with hard labour for any period not exceeding twelve months.

13. Any person who shall be wilfully instrumental in bringing into Natal an idiot or insane person without a written or printed authority, signed by the Colonial Secretary, shall be deemed to have contravened this Act, and in addition to any other penalty shall be liable for the cost of the maintenance of such idiot or insane person whilst in the Colony.

14. Any police officer or other officer appointed therefor under this Act, may, subject to the provisions of Section 5, prevent any prohibited immigrant from entering Natal by sea or land.

15. The Governor may from time to time appoint, and at pleasure remove, officers for the purpose of carrying out the provisions of this Act, and may define the duties of such officers, and such officers shall carry out the instructions from time to time given to them by the Ministerial head of their department.

16. The Governor-in-Council may, from time to time, make, amend, and repeal rules and regulations for the better carrying out of the provisions of this Act.

17. The penalty for any contravention of this Act, or of any rule or regulation passed thereunder, where no higher penalty is expressly mposed, shall not exceed a fine of Fifty Pounds Sterling, or imprisonment, with or without hard labour, until payment of such fine or in addition to such fine, but not exceeding in any case three months.

18. All contraventions of this Act or of rules or regulations thereunder and suits for penalties or other moneys not exceeding One Hundred Pounds Sterling shall be cognizable by Magistrates.

SCHEDULE A

Colony of Natal.

This is to certify that . . . . of . . . . aged . . . . by trade or calling a . . . . is a fit and proper person to be received as an Immigrant in Natal.

Dated at . . . . this . . . . day of . . . .

(Signature)

SCHEDULE B

To The Colonial Secretary,

Sir,— I claim to be exempt from the operation of Act No. . . . . ,1897. . . . . My full name is . . . . My Place of abode for the past twelve months has been . . . . My business or calling is . . . . . . I was born at . . . . in the year . . . .

Yours etc.,

Given at Government House, Natal, this Fifth day of May, 1897.
By command of His Excellency the Governor,

Thos. K. Murray
Colonial Secretary

APPENDIX C

Walter Hely-Hutchinson,
Governor

No. 18, 1897

ACT

"TO AMEND THE LAW RELATING TO LICENSES TO WHOLESALE AND RETAIL DEALERS."

Whereas it is expedient to regulate and control the issue of Licenses to wholesale and retail dealers not being Licenses under Act No. 38 of 1896.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :

1. The Annual Licenses mentioned in sub-section (a) of Section 71 of Law No. 19, 1872, shall include Licenses to wholesale dealers.

2. For the purposes of this Act the expression "retail dealers" and

"retail Licenses" shall be deemed to apply to retail dealers and retail Licenses of every description, not being Licenses under Act 38 of 1896, including hawkers and Licenses to hawkers.

3. Any Town Council or Town Board may, from time to time, appoint an Officer to issue the Annual Licenses (not being Licenses under Act No. 38 1896), required in the Borough or Township by wholesale or retail dealers.

4. Any person appointed to issue Licenses for wholesale or retail dealers under Law No. 38, 1884, or any like Stamp Act, or under this Act, shall be deemed to be a "Licensing Officer" within the meaning of this Act.

5. A Licensing Officer shall have a discretion to issue or refuse a wholesale or retail License not being a License under Act No. 38, 1896, and a decision come to by a Licensing Officer as to the issue or refusal of a License shall not be liable to review, reversal, or alteration, by any Court of Law or otherwise than is in the next section provided.

6. There shall be a right of appeal by the applicant, or any other person having an interest in the question, from the decision of the Licensing Officer to the Town Council or the Town Board, if the License is sought for in a Borough or Township or to the Licensing Board of the Division appointed under the Liquor Act, 1896, if the License is sought for elsewhere than in the Borough or Township; and the Town Council, Town Board, or Licensing Board, as the case may be, may direct that the License, the subject of appeal, shall be issued or cancelled.

7. No License shall be issued to any person who, when thereto required, fails to show to the satisfaction of the Licensing Officer to the Town Council, Town Board, or Licensing Board, as the case may be, that he is able to fulfil the conditions of the Insolvency Law 47, 1887, Section 180, Sub-section (a), as regards the keeping of such books of account in the English language as are usual and proper in the business to be carried on.

8. No License shall be issued in respect of premises which are unfit for the intended trade, or unprovided with proper and sufficient sanitary arrangements, or not affording sufficient and suitable accommodation for salesmen, clerks, and servants, apart from the stores or rooms in which goods and wares may be kept in cases where premises are used for both purposes.

9. Any person who shall carry on any wholesale or retail trade or business without a License, or who shall allow Licensed premises to be in a condition which would disentitle him to a License, shall be deemed

to have contravened this Act, and shall be liable to a penalty not exceeding Twenty Pounds Sterling for each offence, to be recovered in the Court of the Magistrate by the Clerk of the Peace, or if the contravention is within a Borough or Township, by an officer appointed by the Town Council or Town Board.

10. All penalties recovered under the foregoing section in respect of a business or premises within a statutory Borough or Township shall be paid to the funds of such Borough or Township.

11. Rules may be passed by the Governor-in-Council to regulate the mode of obtaining Licenses and to regulate appeals from the Licensing Officer to the Board or Council having appellate jurisdiction.

Given at Government House, Natal, this Twenty-ninth day of May, 1897.

By command of His Excellency the Governor,

THOS. K. MURRAY,
Colonial Secretary

APPENDIX D

No. 28, 1897

WALTER HELY-HUTCHINSON,
GOVERNOR

ACT

"TO PROTECT UNCOVENANTED INDIANS FROM ARREST IN MISTAKE FOR ABSCONDING INDENTURED INDIAN SERVANTS."

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:

1. Any Indian who has not been liable to service under indenture in terms of Law No. 25, 1893, or any Act amending the same, may, on application through the Magistrate of his Division to the Protector of Indian Immigrants, or to the Protector of Indian Immigrants direct, obtain a pass in the form provided in the Schedule to this Act, on satisfying the Magistrate, or the Protector of Indian Immigrants, with the information required for the purposes of such pass, and upon providing a shilling stamp to be affixed to the pass.

2. The possession and production of a pass under this Act shall be prima facie evidence of the status of the bearer of such pass, and of his exemption from liability to arrest under Section No. 31 of Law No. 25, 1891.

3. No such pass shall be of force after the year in which it was issued, unless in each succeeding year it is endorsed by the Protector of Immigrants to whom it may be sent for that purpose through the Magistrate.

4. If the Protector of Indian Immigrants, or any Magistrate, or Justice of the Peace, or any Police Constable, shall stop or arrest any Indian not carrying a pass granted under this Act, the Indian so stopped or arrested shall not be entitled to make any claim for wrongful arrest or detention merely on the ground that he was not an indentured Indian.

5. Any person who obtains a pass by false representations, or who allows any fraudulent use to be made of his pass, shall be guilty of an offence against "The Fraudulent Passes Act, 1895."

SCHEDULE

Pass under Act No. 28, 1897

Counterpart of Pass	Pass
	Magisterial Division of ....
Name	Name of Indian holding this Pass ......
Sex	Sex ....
Native of...........................	Native of (Country and Village) ....
Father's Name	Father's Name ....
Mother's Name	Mother's Name ....
Caste.................................	Caste ....
Age	Age ....
Height	Height ....
Complexion	Complexion ....
Marks	Marks ....
If married, to whom	If married, to whom ....
Status	Status ....
Residence...........................	Residence ....
Employment	Employement or means of subsistence...
Date	Dated at..............this...............day of 189

Protector of Indian Immigrants

Given at Government House, Natal, this Twenty-ninth day of May, 1897.

By command of His Excellency the Governor,

THOS. K. MURRAY,
Colonial Secretary

LETTER TO PUBLIC MEN IN INDIA AND ENGLAND

2255

M. K. GANDHI

53 Field St.

Durban, 15 Sept. 1897.

Natal

Sir, I have the honour to enclose herewith a letter addressed to you by the representatives of the Indian communities of Natal with reference to Mr. Chamberlain's address to the Colonial premiers. The newspaper cutting enclosed was seen after the letter was in print. It gives great force to the argument contained in the letter. Mr. Chamberlain's address has naturally created surprise amongst both the communities European as well as Indian. I venture to trust that your powerful influence will be exerted in order to bring about the changes in the Immigration Act referred to in the letter if nothing more can be done. The kind of Indians referred to in the letter whom the act at present debars from entering into Natal while absolutely necessary for the regular conduct of Indian houses already established cannot in any way interfere with the Europeans if they were allowed to enter the colony.

Copy of Immigration petition is sent under separate cover.

I am
Your obed: Servt.
M K Gandhi

Hon'ble Dadabhai Naoroji
London

LETTER TO DADABHAI NAOROJI

APPENDIX E

Petition to the Honourable the Legislative Assembly of Natal, dated 26-3-1897.

For text, *vide* pp. 285-91, *supra*.

From the photostat of the printed copy: S. N. 2430-35.

54. *TO PUBLIC MEN IN INDIA AND ENGLAND*

53A, FIELD STREET,
DURBAN, (NATAL),
July 10, 1897

SIR,

I beg to draw your attention to a copy sent to you of the Indian Petition[1] to Mr. Chamberlain regarding the anti-Indian Bills of the last session of the Natal Parliament. The Bills have received the Governor's assent and are Acts in operation. The Crown has the power to disallow any Acts of the Colonial Legislatures within two years after their passage, and it is on the strength of this proviso that the petitioners rely for Mr. Chamberlain's intervention.

The Bills, in my humble opinion, have only to be read in order to be condemned. Comment thereon seems superfluous. Unless there is a powerful public opinion against the disabilities that are being heaped upon the Indians in Natal our days are numbered. Natal beats both the Republics[2] in its studied persecution of the Indians, and it is Natal that can least do without Indians. She *must have* them under indenture. She *won't have* them as free men. Would not the Home and the Indian Governments stop this unfair arrangement and stop indentured emigration

[1] *Vide* p. 324, *supra*.

[2] The Boer Republics of the Transvaal and the Orange Free State; *vide* pp. 27-32 and 63-69, *supra*, for details of discriminatory laws in the Republics.

to Natal? We have but to request you to redouble your efforts on our behalf and we may yet hope to get justice!

I am,
your obedient servant,
M. K. GANDHI

From the photostat of the office copy bearing Gandhiji's signature. S.N. 2448.

55. LETTER TO TOWN CLERK[1]

53A, FIELD STREET,
DURBAN,
September 3, 1897

WILLIAM COOLEY, ESQ.
(TOWN CLERK)
DURBAN

SIR,

Mr. V. Lawrence is a clerk in my office. He has often to go out in the evening either to attend meetings or to give Tamil lessons which do not terminate before 9 p.m. He was twice or thrice interfered with by the Police and asked to produce a pass. I brought the matter to the notice of the Superintendent of Police who advised that in order to save inconvenience I should apply for the mayor's pass of exemption for Mr. Lawrence. Being of opinion that the by-law No. 106 section P does not apply to Mr. Lawrence I was loath to take that step. Mr. Lawrence however was again asked to produce a pass three days ago, though after he had explained where he had gone to, he was allowed to go. In order to save such inconvenience though I still retain the opinion that the Law does not apply to Mr. Lawrence, I think a pass of exemption is necessary for Mr. Lawrence.

[1] The original letter found in the official records carries a marginal note reading: Recommended—sgd. R. C. Alexander, Superintendent of Police.

I therefore beg to apply for such a pass for him.

I remain,
sir,
your obedient servant,
M. K. GANDHI

Durban Town Council Records: Vol. 134, No 23446.

56. REGINA VERSUS PETAMBAR AND OTHERS

A number of Indians who had crossed the border and gone to the Transvaal to sell their wares were arrested, on return to their homes in Natal, for having contravened the Immigration Restriction Act. The trial which was held at Dundee lasted several days. The following is an extract from the report by the Court clerk of the proceedings on September 13 when Gandhiji secured their release.

September 13, 1897

Case resumed from 11th inst.
Messrs. Anderson, Smith and Gandhi present for defendants
Prosecution addresses the court.

Mr. Gandhi replies and takes following exceptions:

FIRST : summary trial without consent.

SECOND : no authority to prosecute from prosecutor produced.

THIRD : all accused tried together.

FOURTH : there is no proof that the accused are prohibited immigrants.[1]

FIFTH : no allegation that they are paupers or that they do not know English.[2]

SIXTH : no proof as to when they entered Natal.

[1] For the various categories of persons who were brought within the scope of this term, *vide* p. 340, *supra*.

[2] ibid.

Mr. Attorney Smith points out that the men were in Natal before passing of the Act.

———I allow the first exception. Accused discharged.

(Sd.) ALEX D. GILSON
(RESIDENT MAGISTRATE)

Enclosure in Despatch No. 27 of 28th February 1898 from Governor of Natal to H. M.'s Principal Secretary of State for the Colonies, London.
Colonial Office Records, South Africa General, 1897.

57. MR. CHAMBERLAIN'S ADDRESS TO PREMIERS

Mr. Chamberlain's pronouncement at the Colonial Premiers' Conference in London indicated virtual sanction of the Natal Immigration Restriction Act by the Imperial Government. It also served as a pointer to its policy in regard to the other anti-Asiatic Bills. In a final effort against the discriminatory laws, Gandhiji addressed the following letter to influential persons and organizations in England and India.

[*September 18, 1897*][1]

SIR,

We are aware that the troubles in Poona as well as in parts of India[2] occupy very largely the attention of the public men interested in Indian affairs and, were it not for the gravity of the situation as regards Indians in Natal, we would not have trespassed upon your time and attention.

The Natal Government Gazette publishes this week the address of Mr. Chamberlain to the Colonial Premiers who had assembled in London during the Diamond Jubilee season. The following appears in the address with reference to the legislation in regard to the immigration of Indians to this Colony and other parts of the British Empire. . .[3]

1 The office copy is undated. A similar letter (*vide* p. 356, *infra*), addressed to Dadabhai Naoroji, bore the date September 18, 1897.

2 The troubles related to famine, plague and plague administration.

3 The copy available does not furnish the quotation referred to. The relevant portion of Mr. Chamberlain's speech, extracted from the text available in the Colonial Office Records, is given in the Appendix at pp. 354-6.

In spite of Mr. Chamberlain's eloquent tribute to the loyalty of the Indians to the British Crown as well as their civilization, the conclusion is irresistible that the Right Hon'ble gentleman *has completely given up the Indian cause* and yielded to the anti-Asiatic clamour of the different Colonies. He has indeed granted that the traditions of the British Empire "make no distinction in favour of or against race or colour," but, in the same breath, he accepts the position taken up by the Colonies with regard to the Indians and almost unreservedly approves of the Natal Immigration Restriction Act, Petition regarding which, with copy of the Act, was forwarded to you some months ago.[1]

Mr. Chamberlain cannot be unaware of the fact that the Natal Act was passed with the deliberate intention of applying it *almost exclusively* to the Indians. The extracts quoted in the petition amply prove this. It was also stated by the Right Hon'ble Mr. Escombe, the Premier of the Colony of Natal, at the time of introducing the Immigration Bill, that it was because the desired end, namely, the stopping of free Indian immigration, could not be obtained by direct means he had to resort to indirect means.

The measure was almost unanimously pronounced to be un-British and dishonest. It was in fact *a stab in the dark*. And Mr. Chamberlain, much to our disappointment, sets the seal of his approval on such a measure. We do not know now where we are and what we are to do. The Act has already begun to tell upon us. Only a few days ago, seventy-one Indians, who had their rooms in Natal but had gone over to the Transvaal to dispose of their goods and had returned to Natal, were arrested some time after their return and kept in prison for six days for being prohibited immigrants while their trial was going on.[2] They were discharged on technical exceptions but, had it been otherwise, the trial might have gone on for some days more

[1] *Vide* p. 324, *supra*.
[2] *Vide* pp. 349-50, *supra*.

and it might have cost them several hundreds of pounds before they could have got the right to remain on a British soil. As it was, it cost them not a little during the seven days' trial. Such cases are bound to happen from time to time. And then, only those who have been formerly domiciled in Natal could come.

Mr. Chamberlain says that a man may be an undesirable immigrant "because he is dirty or he is immoral or he is a pauper or he has some other objection which can be defined in an Act of Parliament." Indians whom the Natal Act debars from coming to Natal *are*, as Mr. Chamberlain has himself admitted in his despatch to the Transvaal Government, neither immoral nor dirty.[1] They are certainly not paupers. The weakest point in the Natal Act is that it makes *special provision for the admission of those that are perhaps likely to be immoral or dirty* because they are drawn from the lowest strata of society, namely, the indentured Indians. Immediately after the Act was passed, the Indian Immigration Board sanctioned an indent for 4,000 indentured Indians—probably the largest indent yet on record on a single occasion. How could Mr. Chamberlain ignore these facts we do not know. We still venture to maintain, as we have maintained all along, that the agitation against the Indians is due *to colour and trade jealousy*. We have courted an impartial inquiry and, if it is granted, we have no doubt the result will be that the presence of the Indian in Natal will be found to have been beneficial to the Colony. The commissioners, who sat in Natal about 12 years ago to enquire into certain Indian matters, have recorded that the presence of the Indian has been a blessing to the Colony.

Really speaking, Mr. Chamberlain has practically granted that an Indian so soon as he leaves India, ceases to be a British subject, with the awful result that we have to witness, from day to day, the painful spectacle of Indian

[1] *Vide* p. 17, *supra*, for Mr. Chamberlain's opinion of the Indian immigrants.

British subjects deported from or debarred from entering Natal, a British soil, to or to be driven to the Transvaal or Delagoa Bay, both foreign territories.

The Transvaal Alien Act was, comparatively speaking, a boon. An Indian taking a passport from Natal, Delagoa Bay or India, or an Indian getting previous employment in the Transvaal, could enter it while the Alien Law was in force. Moreover, it was not specially applied to the Indians. Therefore, any Indian who was not absolutely a pauper could enter the Transvaal, yet the Transvaal Law, because it told severely upon the Uitlanders, was repealed owing to the pressure from Downing Street. The same pressure, unfortunately for us, though we are British subjects, is not available on the British soil. The Natal Act debars any Indian from entering Natal who cannot read and write any of the European languages, unless he has been formerly domiciled in the Colony. Therefore, the Mahomedan community would not be allowed to bring to Natal a *Moulvi* nor the Hindu community a *Sastri*, no matter how learned each may be in his own department, because, forsooth, he does not know English. An Indian merchant who has been domiciled in Natal may come back to the Colony, but he dare not bring any new servants with him. The inability to import new Indian servants and assistants is a very grave inconvenience to the Indian community.

Even if the Immigration Act is to remain on the statute book of Natal for ever and Mr. Chamberlain refuses to disallow it, the clause with regard to the European languages needs to be modified so as to admit all those who can read and write their own language and are otherwise eligible as immigrants under the Act. We are sure that this is the least that might be granted to us. And we would beseech you to exert your influence in bringing about that change, if nothing else. Mr. Chamberlain's address portends, perhaps, that he would not disallow the other Anti-Asiatic Acts also, to which the petition herein

mentioned refers. If that be so, it is practically a notice to the free Indians in Natal to quit the Colony, for that will be the effect of Dealers' Licenses Act, if it is enforced rigorously as it is likely to be now that the Colonists know that they would get almost anything from Mr. Chamberlain for the asking of it—only if what is required to be done is done by indirect, and, shall we say, unfair methods. It breaks our hearts to think that Her Majesty's Principal Secretary of State for the Colonies should approve of any unfair method, but that is the unanimous opinion of the Europeans and the Indians. Even the Europeans who are the bitterest opponents of the free immigration of Indians, though they do not mind it, think and admit, that the above methods of restricting free Indian immigration are unfair.

We are powerless. We leave the case in your hands. Our only hope lies in your again bestirring yourself with redoubled vigour in our favour. And we feel sure that you would do it, for our cause is absolutely just.

Sd. CASSIM MAHOMED JEEWA
AND OTHERS

From the photostat of a handwritten draft bearing corrections in Gandhiji's hand: S.N. 2509.

APPENDIX

ALIEN IMMIGRATION

[Extracts from Mr. Chamberlain's Address]

One other question I have to mention, and only one; that is, I wish to direct your attention to certain legislation which is in process of consideration, or which has been passed by some of the Colonies, in regard to the immigration of aliens, and particularly of Asiatics.

I have seen these Bills, and they differ in some respects one from the other, but there is no one of them, except the Bill which comes to us from Natal, to which we can look with satisfaction. I wish to say that Her Majesty's Government thoroughly appreciate the objects and the needs of the Colonies in dealing with this matter. We quite sympathise with

the determination of the white inhabitants of these Colonies which are in comparatively close proximity to millions and hundreds of millions of Asiatics that there shall not be an influx of people alien in civilisation, alien in religion, alien in customs, whose influx, moreover, would most seriously interfere with the existing rights of the labour population. An immigration of that kind must, I quite understand, in the interest of the Colonies be prevented at all hazards, and we shall not offer any opposition to the proposals intended with that object, but we ask you also to bear in mind, the traditions of the Empire, which make no distinction in favour of, or against, race or colour; and to exclude, by reason of their colour, or by reason of their race, all Her Majesty's Indian subjects, or even all Asiatics, would be an act so offensive to those peoples that it would be most painful, I am quite certain, to Her Majesty to have to sanction it. Consider what has been brought to your notice during your visit to this country. The United Kingdom owns, as its greatest and brightest dependency, that enormous Empire of India, with 300,000,000 of subjects, who are as loyal to the Crown as you are yourselves, and among them there are hundreds and thousands of men who are every whit as civilised as we are ourselves, who are, if that is anything, better born in the sense that they have older traditions and older families, who are men of wealth, men of cultivation, men of distinguished valour, men who have brought whole armies and placed them at the service of the Queen, and have, in times of great difficulty and trouble, such, for instance, as on the occasion of the Indian Mutiny saved the Empire by their loyalty. I say, you, who have seen all this, cannot be willing to put upon these men a slight, which, I think, is absolutely unnecessary for your purpose, and which would be calculated to provoke ill-feeling, discontent, irritation, and would be most unpalatable to the feeling not only of Her Majesty the Queen but of all her people.

What I venture to think you have to deal with is the character of the immigration. It is not because a man is of a different colour from ourselves that he is necessarily an undesirable immigrant, but it is because he is dirty, or he is immoral, or he is a pauper or he has some other objection which can be defined in an Act of Parliament, and by which the exclusion can be managed with regard to all those whom you really desire to exclude. Well, gentlemen, this is a matter, I am sure, for friendly consultation between us. As I have said, the Colony of Natal has arrived at an arrangement which is absolutely satisfactory to them, I believe, and remember they have, if possible, an even greater interest than you, because they are closer to the

immigration which has already begun there on a very large scale, and they have adopted legislation which they believe will give them all that they want, and to which the objection they have taken does not apply, which does not come in conflict with this objection which I am sure you share with us; and I hope, therefore, that during your visit, it may be possible for us to arrange a form of words which will avoid hurting the feelings of any of Her Majesty's subjects, while at the same time it would amply protect the Australian Colonies against any invasion of the class to which they would justly object.

Colonial Office Records. Parliamentary Papers: 1897: Vol. 2, No. 15.

58. *LETTER TO DADABHAI NAOROJI*

53a, Field Street,
Durban, Natal,
September 18, 1897

Hon'ble Dadabhai Naoroji
London

Sir,

I have the honour to enclose herewith a letter[1] addressed to you by the representatives of the Indian community of Natal with reference to Mr. Chamberlain's address to the Colonial premiers. The newspaper cutting enclosed[2] was seen after the letter was in print. It gives great force to the argument contained in the letter. Mr. Chamberlain's address has naturally created surprise amongst both the communities, European as well as Indian. I venture to trust that your powerful influence will be exerted in order to bring about the changes in the Immigration Act referred to in the letter if nothing more can be done. The kind of Indians referred to in the letter whom the Act at present debars from entering into Natal, while absolutely necessary for the regular conduct of Indian houses already

[1] *Vide* pp. 350-56, *supra*.

[2] This is not available; presumably, a press report of the conference.

established, cannot in any way interfere with Europeans if they were allowed to enter the Colony.

Copy of Immigration petition is sent under separate cover.[1]

I am,
Your obedient servant,
M. K. GANDHI

From the photostat of the handwritten original signed by Gandhiji: G. N. 2255.

59. LETTER TO W. WEDDERBURN

53a, FIELD STREET,
DURBAN,
September 18, 1897

SIR WILLIAM WEDDERBURN
LONDON

SIR,

I have the honour to enclose herewith a letter addressed to you by the representatives of the Indian community of Natal[2] and a newspaper cutting bearing on the point. I venture to trust that your powerful influence will be exerted in order to bring about the changes in the Natal Act referred to in the letter, if nothing more can be done.

Copy of Immigration petition is sent under separate cover.

I have the honour to remain,
Sir,
Your obedient Servant,
M. K. GANDHI

From the photostat of an office copy, G. N. 2281.

[1] *Vide* pp. 324-47, *supra*.
[2] *Vide* p. 350, *supra*.

60. "INDIAN INVASION" (1)

There was in the Natal Press much confused thinking and even misrepresentation about the situation in regard to Indian Immigration, it being alleged that Indians were evading the law under the guidance of an organization. Gandhiji felt it necessary to clarify the position. This and the succeeding letters which he wrote to The Natal Mercury *and the Colonial Secretary* (*vide* pp. 363-7) *served that purpose.*

DURBAN,
November 13, 1897

TO
THE EDITOR
The Natal Mercury

SIR,

It appears that some people are bent upon keeping up the ill-feeling against the Indian community in Natal, and, unfortunately, the newspaper writers have allowed themselves to be duped. Some weeks ago, a correspondent of yours, evidently an irresponsible person, stated that the Indians who were tried in Dundee[1] under the Immigration Act were new arrivals from India, and had surreptitiously entered the Colony. Then appeared the correspondence between the Government and the Demonstration Committee on the subject,[2] leading the public to believe that there was an attempt on a large scale to evade the Immigration Act. You based a leader on these and other similar statements that appeared in the papers, accepting

[1] The reference is to the case of 70 Indians, described as Arabs, prosecuted at Dundee under the Immigration Restriction Act. Gandhiji appeared for their defence and secured their discharge. *Vide* pp. 359-60, *infra.*

[2] *Vide* pp. 198-9, *supra.*

them as correct, and further informing the public that these men had secured certificates of domicile at Durban. A telegram was flashed from Delagoa Bay telling the public that 1,000 free Indians had landed at Delagoa Bay, and that they were on their way to Natal. A telegram appears in today's issue of the *Mercury* to the effect that the Government have issued instructions to the police to keep a look-out for Asiatics from the direction of Delagoa Bay. This is all dramatic, and would be highly amusing if it were not calculated to inflame the passion of the European community. The "Man in the Moon" puts the finishing touch to all this by giving a paragraph in his weekly columns. His is the unkindest cut of all, especially because his paragraphs are not only eagerly devoured by the public but they carry weight. So far as I know, this is the second time that he has lost his power of distinguishing between fact and fiction with respect to the Indian question. If it were allowed to the Indians to use strong language on sufficient provocation, there is more than enough of that in the "Man's" paragraph on the subject in question in today's columns to justify the use of such language. But it cannot be. I must simply content myself with placing the facts, as I know them at first-hand, before the public.

I had the privilege, with two brother lawyers, of defending the Dundee Indians, and I deny most emphatically that any of the Indians charged were new arrivals from India. Proofs to that effect are still in possession of the Immigration Officer at Dundee. It is possible to establish conclusively that all those Indians came to South Africa, or rather to Natal, before the passing of the Immigration Act. Their licenses, other documents and records in the steamship offices, cannot lie. As soon as the correspondence between the Government and the Demonstration Committee appeared in the papers, I offered to bring most of the men before a competent Court and to prove their innocence; that is to say, to prove that they were all

formerly domiciled in Natal, and that, therefore, they had a perfect right to enter the Colony. One of the men is at present in Durban, and he can be brought before the Magistrate at any time the Government likes.

It is not true to say that these men got their certificates at Durban. Some of them, after their discharge on technical grounds, applied to the Magistrate at Dundee for certificates of domicile. The application was refused. The papers were sent to me, and I went to the Government for the certificates, but failed. Most of the men have now gone to the Transvaal without such certificates. It is true that three Dundee men got their certificates at Durban. Proofs on which the certificates were granted consisted of affidavits which are filed on record. But there is a world of difference between Dundee men getting certificates at Durban, and those who get them contrary to the provisions of the law. A man from Umzimkulu, and men from other districts outside Durban, got such certificates at Durban. The question was fully argued before Mr. Walter before such certificates were ordered to be issued.

There is absolutely no foundation for the fear that the Indians who land at Delagoa Bay enter the Colony in defiance of the law. I will not take it upon myself to say that not one new arrival has attempted to cross the border at Charlestown, but, so far as I know, not one has yet successfully escaped the eagle eye of Sergt. Allan, at Charlestown. Before the Act came into operation, and at the time the Demonstration Committee came into being, it was publicly stated, on behalf of the Indian community, that most of the Indians who landed at Durban from month to month were passengers for the Transvaal. It was particularly stated—and the statement remains to this day without contradiction—that out of the 600 passengers on board the *Courland* and *Naderi*, less than 100 were new arrivals for Natal. The position is not changed now, and I venture to say that, out of the 1,000 passengers alleged to

have landed at Delagoa Bay, most of them are passengers for the Transvaal. It is that country which has the capacity to absorb a large number of new-comers of various nationalities, and so long as the Transvaal continues to absorb Indians, and the Government is good enough to let them come, you will find Indians coming to Delagoa Bay in large numbers. I do not say that none of them want to come to Natal. Some of them have inquired about the conditions on which they could come, and, on being told that they could not satisfy them, have remained in the Transvaal. They are certainly not angels, and a few may try to evade the Act, and may enter the Colony if there is no supervision.

My point is that there is no wholesale attempt to defy the law. There is no organisation, no advice to set the law at defiance and come by the back door, such as the "Man in the Moon" conjures up in his fertile imagination. With due respect, his appeal to the Demonstration Committee, advice to the officers, and insinuations, are painful in the extreme, because unnecessary, and not warranted by facts. One would have thought that he, of all men, holding a very responsible position, would take the greatest care before giving currency to fiction as if it were fact. Mischief once started may not be averted.

The Indian shipowners in Durban, on the Act coming into operation, received a letter requesting them to co-operate with the Government in enforcing it, and I happen to know that they wrote in reply saying, while they disapproved of the Act, they would loyally abide by it, and aid the Government, so far as it lay in their power, as long as the Act remained on the statute book. And I am not aware that any responsible Indian has departed from the attitude taken up by the shipowners in question. Indeed, whenever occasion has arisen, whether in or out of the Congress Hall, the leaders of the Indian community have endeavoured to impress upon the Indians the necessity

of not evading the Act. How could it be otherwise? If the Act is to be ever removed, it can only be by persuasion and by the Indian community showing a clean record. The policy of evasion is on the face of it suicidal, and the past record of the Indian community is not, I venture to submit, such as to justify the belief that the community is likely to commit a suicidal act. After this, is it necessary to assure the "Man in the Moon" that the Indians have no wish to play with the Colony, if only because they cannot afford to do it?

Let there, however, be a full public inquiry, and if an organisation to defy the law is proved to exist, smash it by all means. But, on the other hand, if there be no such organisation or "wholesale invasion," let it be publicly acknowledged, so that causes of friction may be removed. The Government can do it, but you also can do likewise. Newspapers before this have sent special correspondents to make inquiries into public matters, and if you really believe that the Indians, as a community, are attempting to evade the Act, you will render a public service, and lay the Indian community under deep obligation, by instituting a preliminary inquiry, with a view to enable the Government to undertake a public inquiry, or to force their hands if they are unwilling to make any inquiry at all. At any rate the Indians court such an inquiry.

As the matter is very important, I venture to ask your contemporaries to copy this letter.

I am, &c.,
M. K. GANDHI

The Natal Mercury, 15-11-1897

61. LETTER TO COLONIAL SECRETARY

DURBAN,
November 13, 1897

THE HONOURABLE THE COLONIAL SECRETARY
MARITZBURG

SIR,

I venture to enclose herewith a cutting from the *Mercury*. Reports have for some time been appearing in the papers that the Indians are attempting to defy the Immigration Act by entering, or trying to enter, the Colony *via* Delagoa Bay and Charlestown. It was not, till today, thought necessary to take any notice of the reports; but the cutting puts the matter in a more serious light, and is likely to inflame the passions of the European community. I therefore venture, on behalf of the leading Indians in Natal, to suggest that the Government be pleased to contradict the report. I am to say that there is no organisation in Natal or elsewhere for the purpose of setting the Act at defiance, and that the responsible Indians in Natal have, ever since the passing of the Act, loyally abided by it, and have impressed upon others the necessity of so doing. If, however, the Government think otherwise, I am to ask for a public inquiry into the matter.

I have the honour, &c.,
M. K. GANDHI

The Natal Mercury, 20-11-1897

62. "INDIAN INVASION" (2)

DURBAN,
November 15, 1897

TO
THE EDITOR
The Natal Mercury

SIR,

Perhaps in justice you will allow me to say a few words on your remarks in your today's issue on my letter[1] regarding the alleged organisation to evade the Immigration Act. I am afraid my letter has been misread. I have not therein dealt with the treatment of the Indians in Natal. I have, in order to avoid needless alarm, simply denied the statement that has appeared in the papers to the effect that the Indians who recently landed in Delagoa Bay were on their way to Natal, and such other statements. I do not dispute the right of the Europeans to be on the "*qui vive*, to see that the law of the last Session is not evaded".

On the contrary, I say that the responsible Indians intend to loyally abide by the Act so long as it remains on the statute book, and to help the authorities so far as they can.

What I do respectfully object to is the circulation of false rumours and assumptions based thereon which are likely to create uneasiness, and disturb the equanimity of the European mind. The inquiry I have suggested, with due deference to your opinion, is clearly necessary. There

[1] *Vide* p. 358, *supra*.

are two contradictory statements before the public. The one is that there is an attempt at wholesale evasion of the Immigration Act, backed, in the opinion of the "Man in the Moon," by an organisation; on the other hand, there is a total denial of the statement. Which story are the public to believe? Would it not be better in the interest of all concerned if there was an authoritative statement as to which story is worthy of credence?

As to what I said in India, you have justified me. You were good enough to say, when the matter was before the public, that from an Indian standpoint I had said nothing to which exception could be taken. And I am yet prepared to substantiate every statement I made there. If I had no faith in the strong sense of justice of the British Governments,[1] I would not be here. As I have said before elsewhere, I repeat here that British love of justice and fair play are the sheet-anchor of the Indian's hope.

I am, &c.,
M. K. GANDHI

The Natal Mercury, 17-11-1897

[1] The reference is to the Imperial and the Natal Governments.

63. REPLY TO COLONIAL SECRETARY

DURBAN,
November 18, 1897

THE HONOURABLE THE COLONIAL SECRETARY
MARITZBURG

SIR,

I have the honour to acknowledge your letter of the 16th inst.,[1] informing me that the Government has never stated, nor has it reason to believe, that there exists in Natal an organisation for the purpose of setting the Immigration Restriction Act at defiance. I am to thank the Government for the letter, and to say that, if attempts to evade the Act are brought to the notice of the Indian community, everything that could be done will be done by the representatives of the Indian community in Natal to prevent their recurrence. I take the liberty to send copies of this correspondence to the Press for publication.

I have, &c.
M. K. GANDHI

The Natal Mercury, 20-11-1897

1 The following is the text of the letter :

Maritzburg, Nov. 16, 1897

Sir,

With reference to your letter of the 13th inst. on the subject of reports which have appeared in the papers regarding alleged attempts of Indians to come into the Colony by way of Delagoa Bay, I have the honour to inform you that the Government has never stated, nor has it reason to believe, that there exists in Natal an organisation for the purpose of setting the Immigration Restriction Act at defiance.

I am, &c.,
C. BIRD
Principal Under-Secretary

64. INDIANS AND THE IMMIGRATION ACT

Gandhiji's correspondence with the Colonial Secretary was published in The Natal Mercury, *with the following covering letter.*

DURBAN,
November 19, 1897

TO
THE EDITOR
The Natal Mercury

SIR,

I beg to enclose herewith for publication copies of the correspondence[1] between the Government and myself with reference to the reports which have appeared in the papers regarding alleged attempts of Indians to come into the Colony by way of Delagoa Bay.

I am, &c.,
M. K. GANDHI

The Natal Mercury, 20-11-1897

[1] *Vide* p. 363 and p. 366, *supra*.

65. LETTER TO F. S. TALEYARKHAN

53a, Field Street,
Durban, (Natal),
December 17, 1897

F. S. Taleyarkhan Esq.,
Bar-at-Law, J. P., &c.
Bombay

Dear Mr. Taleyarkhan,

This will introduce to you Mr. Alex Cameron[1] sometime correspondent of *The Times of India* in Natal. During the time he was here, he tried to do everything he could for the cause of the Indians in South Africa. He is now proceeding to India to take part in the attempts of the Indians to remove the misunderstanding created about them owing to the recent events and any assistance that may be rendered to him will be greatly valued.

I am,
Yours truly,
M. K. Gandhi

From the original; courtesy: R. F. S. Talyarkhan.

[1] *Vide* p. 183, *supra*.

SOURCES

The Bengalee: Once a leading Calcutta newspaper, founded as a weekly in 1868, taken over in 1879 by Surendranath Banerjea who converted it into a daily in 1900 and edited it till his death.

Bombay Gazette: Founded in 1791 as an independent paper became soon after a semi-official organ.

COLONIAL OFFICE RECORDS: Housed in the Library of the Colonial Office, London, these include most official documents and papers pertaining to South African affairs. *Vide* Vol. I, p. 351.

The Englishman: Daily newspaper of Calcutta founded in 1830; one of the leading organs of European public opinion of the time.

GANDHI SMARAK SANGRAHALAYA, NEW DELHI : Central Museum and Library of Gandhian literature and documentation. *Vide* Vol. I, p. 351.

GOVERNMENT OF INDIA RECORDS IN THE NATIONAL ARCHIVES, NEW DELHI.

GOVERNMENT OF SOUTH AFRICA RECORDS IN THE PRETORIA AND PIETERMARITZBURG ARCHIVES.

The Hindu: Leading Indian newspaper issued from Madras; starting as a weekly in 1878, became a tri-weekly in 1883 and a daily in 1889.

India : Organ of the British Committee of the Indian National Congress in London, first published in 1890 with William Digby as editor, issued irregularly till 1892 when it became a monthly, and was from 1898 to 1921 a weekly.

The Natal Advertiser: Daily newspaper issued from Durban.

The Natal Mercury: Daily newspaper issued from Durban.

BOMBAY GOVERNMENT RECORDS: POLICE ABSTRACTS.

SABARMATI SANGRAHALAYA, AHMEDABAD: Records in this Library hold much documentation on Gandhiji's South African and earlier Indian periods. *Vide* Vol. I, pp. 351-2.

The Statesman: Prominent English daily from Calcutta, in publication since 1875 and issued from 1877 as "incorporating and directly descended from the *Friend of India* founded 1818."

The Times of India: A leading Indian daily newspaper issued under the name since 1861, after the merger of four allied papers, of which the *Bombay Times* was established in 1838.

CHRONOLOGY

(1896-1897)

1896

July 4: Gandhiji reached Calcutta, having left Durban by ship on June 5. Departed for Bombay *via* Allahabad. Missing his train at Allahabad, stayed there for the day and interviewed Mr. Chesney, Editor of *The Pioneer*. This interview, he wrote later, "laid the foundation of the series of incidents which ultimately led to my being lynched in Natal."

July 9: Reached Rajkot.
Joined the Sanitary Visitors' Committee at Rajkot on the outbreak of plague in Bombay.

August 14: Published the Green Pamphlet at Rajkot.

August 17: Left Rajkot for Bombay.

August 19: Met Ranade, Badruddin Tyabji and Pherozeshah Mehta in Bombay.

September 11: Left Bombay for Rajkot, with ailing brother-in-law whom he nursed up to his dying moments.

September 14: *Reuter's* cable from London to Durban released misleading report about the contents of the Green Pamphlet.

September 16: Europeans of Durban formed a European Protection Association, incited by the summary of Reuter's cable in the Natal papers.

September 26: Addressed public meeting, presided over by Pherozeshah Mehta, in Bombay.

September 29: Bombay meeting protested against ill-usage of Indians in South Africa and decided to petition the Secretary of State for India for redress.

October 11: Gandhiji left Bombay for Madras *via* Poona.

October 12: Stayed the day in Poona, met Gokhale, Lokamanya Tilak and Dr. Bhandarkar.

October 14: Arrived at Madras.

October 26: Addressed public meeting at Pachaiyappa College Hall, Madras.

October 31: Reached Calcutta *via* Nagpur. Met Surendranath Banerjea and other leaders of public opinion.

November 12: Received cable from Dada Abdulla, Durban, asking him to return to Natal as Volksraad had recommended that Indians should be forced to reside in locations.

November 13: Addressed letter to *The Englishman* on the problem of the Indians in South Africa.

November 14 (15?): Reached Bombay.

November 16: Went to Poona and addressed public meeting under the auspices of the Sarvajanik Sabha.

November 20: Returned to Bombay.

November 26: Mass meeting of Durban Europeans under Mayor's chairmanship condemned Asiatic immigration. Audience hissed at mention of Gandhiji's name. Colonial Patriotic Union set up.

November 30: Gandhiji sent telegram to the Viceroy at Calcutta, drawing attention to the Transvaal Government's decision to force Indians to live in locations. Left Bombay for South Africa by *S. S. Courland* along with wife and two sons.

December 18: Ships *Courland* and *Naderi*, carrying Indian passengers, reached Durban.

December 19: Natal Government published notification declaring Bombay an infected port in view of plague in some parts of the Bombay Province. Ships put under

five days' quarantine, which period was extended from time to time till January 11.

December 25: Gandhiji addressed ship-mates at a Christmas Day gathering on Western civilization. Natal newspapers charged him later with "indulging in animated condemnation of Natal Whites" and "with desire to swamp Natal with Indians".

December 29: Europeans of Durban advertised meeting on January 4, for demonstrating against the landing of the Indians. Newspapers full of "Asiatic invasion" story.

December 31: Indian National Congress, in session at Calcutta, adopted, on motion by G. P. Pillai, delegate from the Natal Indian Congress briefed by Gandhiji, resolution protesting against the disabilities of Indians in South Africa and appealing to the Government for remedial measures.

1897

January 2: Letter in *The Natal Advertiser* supported steps to give Gandhiji and his friends a "fitting reception" when they landed in Durban.

January 13: Gandhiji interviewed on board the *Courland* by *The Natal Advertiser.* Landed at 5 p.m. and was assaulted by section of Durban mob, but escaped serious harm through the intervention of Mrs. Alexander, the Police Superintendent's wife. Besieged later in Parsi Rustomji's house, was rescued by Police Superintendent Alexander by device of disguising him as an Indian constable.

January 14: Natal Government reported incident to Secretary of State for the Colonies and blamed Gandhiji for having landed at an inopportune time under bad advice.

January 20: Interviewed by Attorney-General, Gandhiji declined to have his assailants prosecuted and gave

written expression to his wish that the matter be overlooked.

January 22: Wrote personal letters of thanks and sent gifts to Mr. and Mrs. Alexander for their help when attacked by the mob.

January 28: Sent cable to Dadabhai Naoroji, Hunter and Bhownaggree reporting landing incidents.

January 29: Addressed to them letters in confirmation of cable, giving details.

February 2, 3, 4: Addressed letters to the Press appealing for aid for Indian Famine Relief Fund and issued circulars in English and some Indian languages for the purpose.

February 6: Appealed to the clergymen of Durban for rallying support for famine relief.

March 2: Natal ministers informed Governor that Gandhiji's injuries were not serious and "in accordance with his wish, no proceedings were taken for breach of peace".

March 15: Completed memorial to Mr. Chamberlain concerning the anti-Indian Demonstration and subsequent developments.

March 26: Presented to the Natal legislatures petitions against anti-Indian Bills pending before them.

April 6: Wrote general letter to influential British and Indian friends with which were enclosed copies of memorial to Mr. Chamberlain.
Original memorial delivered to Natal Governor for transmission to Mr. Chamberlain.
Released to the Press correspondence with the Natal Government concerning the landing incidents.

April 13: Wrote to the newspapers refuting allegations against him in connection with Indian immigration.

May 7: Informed Chairman of Central Famine Relief Committee, Calcutta, of the collection by Natal Indians

of £1,539-1-9 for famine relief.

May 18: Interviewed the British Agent at Pretoria and submitted written plea that the British Government bear the costs of Test Case in respect of the interpretation of Law 3 of 1885.

June 9: Cabled Hunter regarding the enactment of the Quarantine, Dealers' Licenses, Immigration Restriction and Uncovenanted Indians Protection Bills.

June 22: Spoke at opening ceremony of Indian Library on Queen Victoria's Diamond Jubilee Day.

July 2: Petitioned Mr. Chamberlain regarding the four anti-Indian measures.

July 10: Addressed circular letter to public men in Britain and India regarding the discriminatory laws.

September 11: Appeared in defence of Indians charged with being prohibited immigrants and had them discharged.

September 14: Indian Hospital opened in Durban, with Parsi Rustomji's munificence and Dr. Booth's supervision, in which, later, Gandhiji served two hours a day as medical assistant.

September 18: Communicated with Dadabhai Naoroji, William Wedderburn and others about the implications of Mr. Chamberlain's address at the Colonial Premiers' Conference in London.

November 13: Wrote to *The Natal Mercury* and the Colonial Secretary repudiating allegations of organized attempts to contravene the Immigration Act.

November 15: Wrote to *The Natal Mercury* on same subject.

November 18: Addressed Colonial Secretary on same topic.

December 9: Attended a Christian Mission meeting and conveyed the gift of a tank from a Parsi donor (Rustomji?).

ARKONAM: A junction on the Southern Railway.

ASANSOL: A junction on the East Indian Railway, about 70 miles from Calcutta.

BANERJEA, SIR SURENDRANATH (1848-1925): Prominent Indian politician. *Vide* Vol. I, p. 380.

BHANDARKAR, DR. R. G. (1837-1925): An Orientalist of international repute; Vice-Chancellor of Bombay University; nominated member of Viceroy's Legislative Council, 1903; member of Bombay Legislative Council, 1904-8; leader of Hindu social and religious reform movements.

BHOWNAGGREE, SIR MANCHERJEE MERWANJEE (1851-1933): Indian Parsi barrister settled in England. As a member of Parliament for over ten years, elected on the Unionist Party ticket, and as a member of the British Committee of the Indian National Congress in London, he helped considerably in educating public opinion in England in regard to the grievances of Indians in South Africa.

BINNS, SIR HENRY (1837-1899): Leading politician and Premier of Natal. *Vide* Vol. I, p. 381.

BOMBAY PRESIDENCY ASSOCIATION: Established in Bombay in 1885 "for the advocacy and promotion of public interests by all legitimate and constitutional methods".

BRITISH COMMITTEE OF THE INDIAN NATIONAL CONGRESS, LONDON: Constituted in 1889, with Sir William Wedderburn as chairman and Dadabhai Naoroji, W. S. Caine, William Digby, and J. E. Ellis among its original members. One of its principal aims was, "to rouse the English working classes, to whom political power has

so largely passed, to a sense of the duties which England owes to India".

CHAMBERLAIN, JOSEPH (1836-1914): Secretary of State for the Colonies, 1895-1902. *Vide* Vol. I, p. 382.

CHARLESTOWN: Town in Natal. *Vide* Vol. I, p. 382.

DADABHAI NAOROJI (1825-1917): Pioneer Indian statesman, often called "the Grand Old Man of India". Thrice presided over the Congress sessions, in 1886, 1893 and 1906; became member of Parliament in 1893, and was leading member of the British Committee of the Congress in London.

DERBY, EARL OF, (1826-1893): British peer who, as Secretary of State for India in 1858, carried through measures for the transfer of the governance of India to the British Crown. Later, from 1882 to 1885, was Secretary of State for the Colonies.

DUNDEE: Town in Natal. *Vide* Vol. I, p. 382.

EAST LONDON: Town in Cape Colony. *Vide* Vol. I, p. 382.

ELIZABETHAN MONOPOLIES: Based broadly on considerations of the value of industry to the country, these took the form of interest-free state loans and pre-emption or purchase of total output on lease to industrial concerns and operated by patentees. The policy was followed in Elizabethan England.

ESCOMBE, SIR HARRY (1838-99): Leading advocate and Premier of Natal. *Vide* Vol. I, p. 383.

ESTCOURT: Town in Natal. *Vide* Vol. I, p. 383.

GOKHALE, GOPAL KRISHNA (1866-1915): Distinguished Indian leader and politician; associated with the Deccan Education Society's Fergusson College as Professor of Mathematics, English and Political Economy; entered politics in 1890, appeared in 1896 before the Welby Commission on Indian Finance; elected in 1899 to the Bombay Legislative Council; founded the Servants of India

Society and presided over the Indian National Congress session at Banaras in 1905; member of the Imperial Legislative Council from 1902-1915, took considerable interest in education, and was responsible for the Elementary Education Bill; served on the Royal Commission on Public Services; championed the cause of South African indentured Indians and, at Gandhiji's invitation, visited South Africa in 1912.

HUNTER, SIR WILLIAM WILSON (1840-1900): Distinguished member of the Indian Civil Service, writer and authority on Indian affairs. *Vide* Vol. I, pp. 383-4.

JAMESON RAID: An abortive attempt, in December 1895, led from the Cape Colony by Dr. Jameson, Administrator of the British South Africa Company, to annex the Transvaal by taking advantage of a projected Uitlander uprising which did not materialize. Jameson was captured, tried and convicted; the Raid and the failure of the British Government to repudiate it unequivocally were among the causes that led to the Boer War.

KATHIAWAR: Saurashtra, now part of Bombay State. *Vide* Vol. I, p. 384.

KNUTSFORD, LORD: Secretary of State for the Colonies, 1887-92.

KRANTZKLOOF: A railway station 23 miles from Durban.

LADYSMITH: Third largest town in Natal, 203 miles from Durban.

LONDON CONVENTION, THE: Agreement in 1884 between the Boers and the British, regarding civic rights of Transvaal subjects. *Vide* Vol. I, p. 388.

Madras Standard: Starting in Madras as a tri-weekly newspaper in 1877, it became a daily in 1892. In 1914 Annie Besant acquired it and changed its name to *New India.*

Madras Times: A defunct Madras newspaper, in existence as early as 1858.

MADRAS MAHAJAN SABHA: A representative body of citizens of Madras established in 1881.

MALABOCH WAR: Transvaal commando action in Northern Transvaal, in 1894, for the subjugation of Malaboch tribe so named after its Chief.

MASHONALAND: Gold-bearing division of Southern Rhodesia.

MATABELELAND: Another gold-bearing division of Southern Rhodesia, home of the Matabele tribe.

MEHTA, SIR PHEROZESHAH (1845-1915): Prominent Indian Congress leader. *Vide* Vol. I, p. 386.

MELMOTH: Township and division of Zululand.

NAGPUR: Capital city of former Central Provinces, part of which is now merged in the Bombay State.

RAJKOT: A former Prince's State in Saurashtra; early home of the Gandhis.

RANADE, MAHADEV GOVIND (1842-1901): Distinguished Indian leader, social reformer and author; held various judicial posts, finally becoming Judge of the Bombay High Court. Member of the Bombay Legislative Council 1885-93; played leading role in social reform movements of the time; founded Prarthana Samaj, a religious body similar to Brahmo Samaj; helped to establish Sarvajanik Sabha, Poona, and worked for it till 1895. One of the founders of the Indian National Congress.

ROBINSON, SIR HERCULES (1824-1897): High Commissioner of South Africa, 1880-1889; took part in the formulation of the terms of the London Convention, 1884, and in the suppression of the Boer Revolt in Bechuanaland in 1885; retired in 1889. Recalled to office in South Africa in 1896, but resigned a little later, due to ill-health.

RUSTOMJI, PARSI: Leading Indian merchant of Natal. *Vide* Vol. I, p. 387.

SARVAJANIK SABHA, POONA: Founded in 1870 by Ranade and Ganesh Vasudev Joshi. It was at the time an important political association in India.

TILAK, BAL GANGADHAR (1856-1920): Great Indian political leader, scholar and writer, popularly known as "Lokamanya", respected of the people; one of the founders of the Deccan Education Society, Poona, and of the influential newspapers the *Kesari* and the *Mahratta*; suffered six years' deportation for articles in the former in criticism of the Government; led the "extremist" school in the Indian National Congress, which, after the Surat split with the "Moderates", he rejoined in 1916; founded the Home Rule League and took leading part in forging the Lucknow Hindu-Muslim Pact; visited England as one of the Congress delegates to educate British opinion concerning Indian reactions to the Government of India Act, 1919; author of *The Gita Rahasya*, *the Orion* and *The Arctic Home in the Vedas* and other works.

VOLKSRUST: Town in Natal. *Vide* Vol. I, p. 388.

VRYHEID: District originally part of North Western Zululand, but subsequently merged with the Transvaal. Town on railway from Dundee.

WACHA, SIR DINSHAW EDULJI (1844-1936): Prominent Indian Parsi politician, associated with the Indian National Congress from its inception, presided over its Calcutta session in 1901; authority on financial matters; later, a nominated member of the Viceroy's Legislative Council.

WADHWAN: Railway junction in Kathiawar, on the way to Bombay from Rajkot.

WEDDERBURN, SIR WILLIAM: Distinguished member of the Indian Civil Service, later connected with the Indian National Congress. *Vide* Vol. I, p. 388.

GLOSSARY OF NON-ENGLISH TERMS

Bhangi — Scavenger.

Erven — Land-sites in South African townships.

Ghati — Originally, resident of the Western Ghats; labourer or domestic servant in Bombay and some parts of Western India.

Gujarati — Language of the people of Gujarat, northern region of the Bombay State.

Hindi — A language of Northern India; generally understood throughout India.

Kaffir — Member of a South African race. Loosely applied to natives in South Africa.

Landdrost — South African judge; also inspector or officer.

Maharanee — Queen or Empress, in Indian languages.

Moulvi — Term used for a Muslim divine or scholar.

Memon — Member of Muslim community native to Cutch and Saurashtra; one of the major elements among Indians in South Africa.

Pankha Coolie — The menial formerly employed in offices, clubs and other places in India to work an indigenous device attached to the ceiling, serving the purpose of a fan.

Santhals — Aboriginal race inhabiting, chiefly, parts of Bengal and Bihar.

Sastri — One versed in the study of the *Shastras* or Hindu religious books.

Sjambok — South African word for whip made from rhinoceros hide.

Tamil — A language of the Dravidian group, spoken by people in South India, chiefly in the Madras State.

Telugu — A language of the Dravidian group, spoken by people of the Andhra State in South India.

Uitlanders — South African (Dutch) term for White foreigners, generally British subjects, who had migrated to the Transvaal.

Urdu — A variety of one of the languages of Northern India, containing a large proportion of words of Perso-Arabic origin.

Volksraad — (Sometimes abbreviated to Raad), South African (Dutch) word for National Legislative Assembly in the Transvaal and the Orange Free State.

INDEX